



PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 3RD NOVEMBER 2004 AT 17:00.

(RESERVE DATE : MONDAY 8TH NOVEMBER 2004 AT 17:00)

AGENDA

1. Apologies
2. Minutes (TO FOLLOW).
3. Public Question Time
4. KINGSTON ST. MARY - 20/2004021
RESIDENTIAL DEVELOPMENT OF 25 NO. DWELLINGS, LAND AT HILL FARM, KINGSTON ST. MARY. REPORT ITEM
5. BISHOPS HULL - 05/2004/034
ERECTION OF 2 STOREY EXTENSION WITH SINGLE STOREY CONSERVATORY AT 19, BADGERS CLOSE, TAUNTON AS AMENDED BY AGENTS LETTER DATED 6TH OCTOBER, 2004 AND ACCOMPANYING PLAN AMENDMENT A
6. CHURCHSTANTON - 10/2004/019
VARIATION OF CONDITION 03 OF PLANNING PERMISSION 10/1988/023 TO ALLOW ACCOMMODATION TO BE USED AS HOLIDAY LET AND DELETION OF LINK AT NORTHDOWN HOUSE, CHURCHINFORD (RE-SUBMISSION OF APPLICATION 10/2004/010) AS AMENDED BY FAX DATED 10TH SEPTEMBER, 2004
7. CHURCHSTANTON - 10/2004/021
ERECTION OF TWO HOLIDAY CHALETS AT LAND AT PAYE PLANTATION, STAPLEY AS AMENDED BY AGENTS LETTER DATED 24TH SEPTEMBER, 2004 WITH ATTACHED DRAWING NO. 8703/3B AND AGENTS LETTER DATED 12TH OCTOBER, 2004
8. HATCH BEAUCHAMP - 19/2004/012LB
INSTALLATION OF SOLAR PANELS AT THE CIDER HOUSE, CAPLAND COURT, HATCH BEAUCHAMP.
9. KINGSTON ST. MARY - 20/2004/022
ERECTION OF DWELLING, GARAGE AND DRIVE, LAND AT BROADWAY HOUSE, CHURCH LANE, KINGSTON ST MARY.
10. LANGFORD BUDVILLE - 21/2004/026

ERECTION OF STABLES FOR DIY LIVERY AND IMPROVEMENTS TO ACCESS, FIELD NG ST1123/2308 EAST OF LANGFORD BUDVILLE (AMENDED SCHEME).

11. MILVERTON - 23/2004/032LB
RETENTION OF WOODEN DOUBLE GLAZED WINDOWS TO REAR OF LOCKYERS, FORE STREET, MILVERTON.
12. OTTERFORD - 29/2004/010
CONVERSION OF BARNs TO FORM 4 UNITS OF ACCOMMODATION AT RULL FARM, OTTERFORD.
13. STAPLEGROVE - 34/2004/045
ERECTION OF VERANDA WITH FRENCH WINDOW ACCESS FROM FIRST FLOOR, TEGOR, MANOR ROAD, STAPLEGROVE.
14. TAUNTON - 38/2004/424
ERECTION OF BUILDING COMPRISING THIRTEEN FLATS ON LAND ADJACENT TO WESSEX LODGE, 11/13 BILLET STREET, TAUNTON.
15. TAUNTON - 38/2004/478
ERECTION OF CONSERVATORY AT 81 TRINITY ROAD, TAUNTON.
16. WELLINGTON - 43/2004/107
CHANGE OF USE OF DWELLING WITH BED AND BREAKFAST AND ANCILLARY HOLIDAY LET TO ADULT CARE HOME, EXTENSIONS TO DWELLING AND USE OF OUTBUILDINGS AS ANCILLARY TO CARE HOME, THE WHEELHOUSE, LINDEN, WESTFORD, WELLINGTON.
17. WELLINGTON - 43/2004/116
ERECTION OF PUBLIC TOILET BLOCK TO REPLACE EXISTING, ADJOINING NORTH STREET CAR PARK, WELLINGTON.
18. WEST BUCKLAND - 46/2004/034
ERECTION OF SINGLE STOREY REAR EXTENSION AT 3 THE MALTINGS, HAM AS AMENDED BY DRAWING NO. 1262/04/1 ISS 2 RECEIVED 20TH OCTOBER, 2004
19. WEST HATCH - 47/2004/009
CHANGE OF USE OF CARE HOME, OFFICES AND TRAINING CENTRE TO PRIVATE SCHOOL, SCHOOL OFFICE AND SCHOOL RECREATION, BATH HOUSE FARM, WEST HATCH.
20. PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 - CHURCH OF ST. LUKE, COTFORD ST. LUKE, BISHOPS LYDEARS CIVIL PARISH - PROPOSED URGENT WORKS NOTICE. Miscellaneous item
21. 43/2003/029 - ERECTION OF SALES AND STORAGE WAREHOUSE WITH FIRST FLOOR OFFICES, STORAGE YARD, ACCESS, LANDSCAPING AND EXTERNAL LIGHTING, FORMER LINCOTT NURSERY, BAGLEY GREEN, WELLINGTON. Miscellaneous item

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| 22. | E139/38/2004 & 38/2004/357A - DISPLAY OF LARGE SIGN ON SIDE OF PAVILION AT SOMERSET COUNTY CRICKET CLUB, ST. JAMES STREET, TAUNTON. | Enforcement item |
| 23. | E362/38/2004 - PROVISION OF SATELLITE DISH AT 72A BACON DRIVE, TAUNTON. | Enforcement item |
| 24. | E315/51/2004 & 51/2004/004 - FORMATION OF TRACK AT WILLOWFIELDS, STATHE ROAD, BURROWBRIDGE. | Enforcement item |

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

27 October 2004

TEA FOR COUNCILLORS WILL BE AVAILABLE FROM 16.45 ONWARDS IN COMMITTEE ROOM NO.2

Planning Committee Members:-

Councillor Miss Peppard (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillor Beaven
Councillor Bowrah
Councillor Miss Cavill
Councillor Croad
Councillor Denington
Councillor Floyd
Councillor Guerrier
Councillor Henley
Councillor Hindley
Councillor House
Councillor Phillips
Councillor Mrs Smith
Councillor Stuart-Thorn
Councillor Vail
Councillor Wedderkopp
Councillor Weston

Planning Committee –13 October 2004

Present: Councillor Miss Peppard (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Beaven, Bowrah, Miss Cavill, Croad, Denington, Floyd, Guerrier,
Hindley, House, Phillips, Stuart-Thorn, Vail and Wedderkopp

Officers: Mr T Burton (Development Control Manager), Mr J Hamer (Area Planning
Officer (West)), Mrs J Moore (Principal Planning Officer (East)),
Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Review Support
Manager)

(The meeting commenced at 5.00 pm).

(Councillors Bowrah and Guerrier arrived at the meeting at 5.18 pm and 5.20 pm
respectively)

117. Apologies

Councillors Henley and Mrs Smith.

118. Minutes

The minutes of the meeting held on the 29 September 2004 were taken as read and
were signed.

119. Public Question Time

Miss D Robins asked a number of questions in connection with her father's
relationship with the Council's Planning Department.

The Chairman (Councillor Miss Peppard) thanked Miss Robins for her questions
which would be dealt with appropriately.

120. Applications for Planning Permission

The Committee received the report of the Development Control Manager on
applications for planning permission and it was RESOLVED that they be dealt with
as follows:-

- (1) That **planning permission be granted** for the under-mentioned
developments, subject to the standard conditions adopted by Minute No
86/1987 of the former Planning and Development Committee and such further
conditions as stated:-

14/2004/033

Erection of two dwellings with garages and access drives on plots 3 and 4 the
former Crown Inn Car Park, Creech Heathfield.

Conditions

- (a) C001 – time limit;
- (b) C102A – materials;
- (c) The surface water drainage shall be fully installed and in working order prior to the occupation of the dwellings hereby permitted and it shall thereafter be maintained in full working order;
- (d) C213 – hedges to be retained;
- (e) C209 – protection of hedges to be retained;
- (f) Notwithstanding the details shown on the submitted plans, before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development for which it relates takes place;
- (g) No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority;
- (h) C324 – parking;
- (i) The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles for domestic purposes only;
- (j) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order with or without modification, no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed in the western elevation of the new dwellings;
- (k) The bathroom and stairwell windows on the south and west elevations of both units A and B shall be glazed with obscure glass and such glazing shall thereafter be maintained;
- (l) P001A – no extensions;
- (m) The new access shall maintain a level connection with the existing access lane;
- (n) Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at neighbouring premises:- Monday to Friday 0800 to 1800 hours; Saturday 0800 to 1300 hours. At all other times, including public holidays, no noisy working;
- (o) The applicant shall investigate the history of this site and determine the likelihood of the existence of any contamination from unknown filled ground on site. If contamination is present, a site investigation, risk assessment and remediation strategy shall be submitted to the Local Planning Authority prior to the commencement of development on the site.

(Notes to applicant:- (1) Applicant was advised that Crown Lane, adjacent to the application site, is a public right of way and should not

be obstructed in any way by vehicles. The access is maintained by local residents and they request any subsequent owners/occupiers of the dwellings hereby approved to contribute to its upkeep/maintenance; (2) Applicant was advised that a public footpath runs along Crown Lane. Any change to the surface of this footpath will require the County Highway Authority's permission. Any unauthorised alterations may result in the surface being removed/reinstated at the installer's costs. Any surface would not be maintained by the public unless the lane was adopted; (3) Applicant was advised that the drainage channel to the east of the site is in private ownership and the application site has no rights to drain into it; (4) N112 – energy conservation; (5) N114 – meter boxes; (6) NO45 – encroachment; (7) Applicant was advised that level access is required to the dwellings; (8) Applicant was advised that private drainage ditches may cross the site. Matters relating to these ditches are private legal matters and the granting of this permission does not override the need to reach any other agreements; (9) In regard to condition (g), applicant was requested to contact the County Archaeologist for further advice; (10) Applicant was advised that a public sewer is shown to cross the site and you are advised to contact the Wessex Water Authority to determine the location of their underground apparatus; (11) With regard to condition (f), applicant was advised that due to the proximity of the site to the listed building and the visual prominence of that boundary, a fence will not be acceptable. Either a boundary wall and/or hedge is required).

Reason for granting planning permission:-

The proposal was for two dwellings within the settlement limits of Creech Heathfield where new development was permitted in accordance with Taunton Deane Local Plan Policy S7. The proposals were considered to have an acceptable impact on the adjacent listed building, highway and neighbouring amenity in accordance with Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H1 and Somerset and Exmoor National Park Joint Structure Plan Review Policies 9, 11 and 49.

25/2004/020

Erection of detached double garage at Willow Barn, Harnham Court, Norton Fitzwarren.

Conditions

- (a) C001 – time limit;
- (b) C102A – materials;

Reason for granting planning permission:-

The proposal accorded with Taunton Deane Local Plan Revised Deposit Policies S1, S2 and S8 and was not considered to cause harm to the local character or surroundings of the adjacent barn conversions or any residential amenity.

- (2) That **planning permission be refused** for the under-mentioned developments, subject to the standard reasons adopted by Minute No 86/1987 of the former Planning and Development Committee and such further reasons as stated:-

11/2004/014

Increase in height of boundary wall to 2m, Fairview, Seven Ash

Reason

The proposed wall to be increased in height is attached to an access onto the A358 County Route. The access is at an angle at this point, whereas it should be at right angles to the carriageway. The speed of the road will be increased to 50 mph where increased visibility will be required. A 2m wall would virtually eliminate any visibility to the south. As the splays are inadequate to secure visibility necessary for the safety and convenience of the traffic associated with the proposed development, the proposal is contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

14/2004/028

Erection of two-storey side extension at 26 West View, Creech St Michael.

Reason

The proposed extension is of unsatisfactory standard of design and would result in adverse impacts upon the amenities of the neighbouring property, in terms of loss of privacy and overbearing impact and is, therefore, considered contrary to Taunton Deane Local Plan Revised Deposit Policies S1 and H19 and the advice given in the Taunton Deane Design Guide.

25/2004/015

Erection of dwelling on land adjacent to 23 Manor Park, Norton Fitzwarren

Reasons

- (a) The proposal represents an overdevelopment of the site out of keeping with the general scale and character of the existing properties in the vicinity. It would result in a development of comparatively cramped appearance and would thus detract from the visual amenity of the area contrary to Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H1.
- (b) In the opinion of the Local Planning Authority the proposed dwelling is considered overbearing in relation to the adjoining property thereby causing loss of light and outlook to its occupiers to an unreasonable degree contrary to Taunton Deane Local Plan Revised Deposit Policies S1 and H1.

Reason for refusing planning permission contrary to the recommendation of the Development Control Manager:-

The Committee was of the view that the new dwelling would be an overdevelopment which would have an adverse affect on the neighbouring properties.

- (3) Telecommunications Notification No TL/04/2004. That the notification be approved for the installation of a 15m high monopole mast with 6 No aerials, 2 No dish antenna up to 600m in diameter, radio equipment housing and ancillary development, at Roofing Supplies of Taunton, Cornishway North, Galmington Trading Estate, Taunton.

Reason for the Telecommunications notification being approved:-

The proposed mast was required to facilitate the growth of new and existing telecommunications systems and the impact on the visual amenity of the surrounding area was not considered to be detrimental, in accordance with Policy 62 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 and Policies S1 and C13 of the Taunton Deane Local Plan Revised Deposit.

- (4) That the following **application be deferred** for the reason stated:-

43/2004/107

Change of use of dwelling with bed and breakfast and ancillary holiday let to adult care home, extensions to dwelling and use of outbuildings as ancillary to care home, The Wheelhouse, Linden, Westford, Wellington.

Reason

For further negotiations.

121. Planning (Listed Buildings and Conservation Areas) Act 1990 – Proposed Urgent Works Notice in respect of Church of St Luke, Cotford St Luke, Bishops Lydeard Civil Parish

Noted that this item had been withdrawn from the agenda.

122. Redevelopment comprising employment and residential development, part construction of Norton Fitzwarren Relief Road, provision of other infrastructure and services, structural landscaping and open space provision, Taunton Trading Estate, Norton Fitzwarren (25/2002/018)

Reference Minute No 80/2004, reported that discussions in respect of the Section 106 Agreement were still continuing and that conclusion of the agreement would not be completed by the 28 October 2004.

Although a draft agreement had been prepared, this needed to be agreed with the applicants and the Somerset County Council. In order for the outstanding items and

wording to be agreed, it was recommended that an extension of the time period be agreed.

RESOLVED that:-

- (1) The period for the conclusion of the Section 106 Agreement be extended to the 28 January 2005; and
- (2) In the event that the Section 106 Agreement was not concluded by the above date, outline planning permission be refused for the same reasons as set out in Minute No 80/2004.

123. Unauthorised erection of a summerhouse at Court Place Barn, Ashbrittle, Wellington

Reported that following receipt of a complaint, the owner of Court Place Barn, Ashbrittle had submitted a planning application to retain a summerhouse that had been erected in the garden of the property. Permission was required as the summerhouse was adjacent to a number of converted listed barns and was also within the Ashbrittle Conservation Area.

Despite planning permission being refused, no action to dismantle the summerhouse had been taken to date.

RESOLVED that:-

- (1) Enforcement action be taken to seek the removal of the unauthorised summerhouse at Court Place Barn, Ashbrittle; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

124. Unauthorised change of use of agricultural land at Minsters Edge, Pitminster

Reported that since 2002, a number of complaints had been received concerning the change of use of a piece of agricultural land adjacent to Minsters Edge, Pitminster into domestic use.

In the past various uses, including quad bike racing and bouncy castles, had taken place on the land, which had now been closely mown giving it a domestic type appearance.

The owner of the land had been advised that the change of use required planning permission but, to date, an application had not been received.

RESOLVED that:-

- (1) Enforcement action be taken to stop the current change of use of land at Minsters Edge, Pitminster continuing; and

- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

125. Unauthorised non-illuminated sign at Cash Converters, 5 Eastgate, Taunton

Reported that a large, non-illuminated sign advertising “Cash Converters” had been displayed on the eastern side of 5 Eastgate, Taunton without advertisement consent.

The occupier of the property had been advised that consent to retain the sign was required but, to date, an application had not been received.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings in respect of the unauthorised non-illuminated sign being displayed at Cash Converters, 5 Eastgate, Taunton, unless it was removed within one month.

126. Unauthorised vehicular access at 90 South Road, Taunton

Reported that following the receipt of a complaint earlier in the year, a site visit had shown that a vehicular access serving 90 South Road, Taunton had been formed without planning permission.

The owner of the property had been advised that planning permission was required to retain the access but, to date, an application had not been received.

Further reported that since drafting the report, there appeared to be doubt as to whether the access was, in fact, “new” or whether it had been in existence for many years.

RESOLVED that:-

- (1) Enforcement action be taken to stop the use of the vehicular access that had been created at 90 South Road, Taunton;
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with; and
- (3) Such enforcement action be deferred for one month from the date of the meeting to allow further investigations to be made in connection with the history of the vehicular access.

127. Unauthorised erection of illuminated sign at Aura, 2 Church Square, Taunton

Reported that despite applications for both advertisement and listed building consent being refused, an illuminated sign comprising individual illuminated letters on a solid bar was still being displayed at Aura, 2 Church Square, Taunton.

RESOLVED that:-

- (1) Listed building enforcement action be taken to secure the removal of the unauthorised illuminated sign at Aura, 2 Church Square, Taunton; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the listed building enforcement notice not be complied with.

(The meeting ended at 6.39 pm).

20/2004/021

DORMER RUD NEUBAU

**RESIDENTIAL DEVELOPMENT OF 25 NO. DWELLINGS, LAND AT HILL FARM,
KINGSTON ST MARY AS AMENDED BY**

21892/29724
FULL

1.0 RECOMMENDATION

Subject to:-

- (i) the receipt of satisfactory amended plans and no further representations raising any new issues thereon;
- (ii) the receipt of a satisfactory design statement; and
- (iii) the applicant entering into a Section 106 Planning Agreement with the Council covering:-
 - (a) A contribution of £2,056 per dwelling towards off-site childrens play and public open space provision; and
 - (b) A contribution of £65,000 towards off-site highway works, comprising the provision of footways between a point opposite the site to the village post office;

the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within five years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- 02 Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced.
- 02 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Revised Deposit Policies S1 (E) and EN28.
- 03 Before any work hereby permitted is commenced, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.

- 03 Reason: To enable the Local Planning Authority to give proper consideration to the effect of alterations in the site levels.
- 04 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 04 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 05 Details of the structure and colour of the mortar to be used in the brickwork (stonework) shall be submitted to and approved by the Local Planning Authority before the development commences.
- 05 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 06 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 06 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 07 Details and samples of the materials to be used for the surfaces of the courtyards shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 07 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 08 (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, including planting within the blue line area to the west of the site, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- 08 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 09 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones,

paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

09 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.

10 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.

10 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy EN7.

11 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.

11 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Revised Deposit Policy EN7.

12 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.

12 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Revised Deposit Policies EN5 and EN7.

13 Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

13 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Revised Deposit Policies EN5 and EN7.

14 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.

14 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Revised Deposit Policies EN5 and EN7.

15 The existing hedges on the northern and eastern boundaries of the site shall be retained to the satisfaction of the Local Planning Authority.

- 15 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 16 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 16 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 17 The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- 17 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 18 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- 18 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 19 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use.
- 19 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 20 At the proposed access, there shall be no obstruction to visibility greater than 300 mm above adjoining road level within splays based on minimum co-ordinates of 4.5 m x 90 m in each direction. Such

- visibility shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times.
- 20 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 21 The proposed access shall be constructed in accordance with details shown on the approved plan and shall be available for use before the commencement of the development hereby approved.
- 21 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 22 Prior to the commencement of work on the development site, a pedestrian crossing point shall be installed in the existing highway in accordance with a plan and specification to be submitted to and approved in writing by the Local Planning Authority. There shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of lines drawn 2.0 m back from the carriageway edge at the pedestrian crossing and extending to points on the nearside carriageway edge 90 m either side of the crossing.
- 22 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 23 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 23 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Revised Deposit Policy M3a.
- 24 The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles for domestic purposes only.
- 24 Reason: In order that satisfactory parking facilities are maintained in accordance with Taunton Deane Local Plan Revised Deposit Policy M3a.
- 25 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 25 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Revised Deposit Policy S2(A).
- 26 The new doors and windows indicated on the approved plans shall be made of timber only and no other materials unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material.

- 26 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 27 All services shall be placed underground.
- 27 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(F).
- 28 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order) there shall be no addition or extension to the dwelling(s) (including the insertion of dormer windows) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 28 Reason: The Local Planning Authority is not satisfied that the dwelling(s) could be extended without detriment to the amenities of the area or the existing dwelling in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and H19.
- 29 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 29 Reason: The Local Planning Authority consider that any further development on the site may prejudice a satisfactory layout which would be in conflict with Taunton Deane Local Plan Revised Deposit Policies S1 and S2.
- 30 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority
- 30 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Revised Deposit Policy S2 (A).
- 31 There shall be no street lighting, other than with the prior written consent of the Local Planning Authority.
- 31 Reason: To protect the character of the rural location in the Quantock Hills Area of Outstanding Natural Beauty and adjacent to listed buildings and the Kingston St Mary Conservation Area in compliance with Taunton Deane Local Plan Revised Deposit Policies S1(D), S2(A), and (F), H1(H), EN10, EN15 and EN17.
- 32 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The

collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, before work commences to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18).

32 Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).

33 No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

33 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Revised Deposit Policy EN24.

Note to Applicant

- 01 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- 02 To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 When consideration is given to the issue of street naming you are urged to bear in mind the use of field names and historic or other associations with the land in seeking a satisfactory name.
- 04 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 05 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 06 Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Burnham Police Station (01278) 363414 for further advice.
- 07 Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Somerset County Council, Taunton Deane Area , Burton Place, Taunton, TA1 4HE. Application for such a Permit should be made at least three weeks before access works are intended to commence.
- 08 With regard to Condition 22, the proposed pedestrian crossing point should be provided to allow pedestrians to access the village and cross the highway at a point with adequate visibility. Both pedestrians and vehicles should be able to see each other over the full Y visibility splay with no obstruction to visibility greater than 300 mm. In order to demonstrate this a full survey drawing in both horizontal and vertical section should be submitted indicating such visibility at the crossing point.
- 09 With regard to Condition 08, you are advised that this should include reinforcement planting for the eastern boundary.
- 10 With regard to Condition 04, in view of the location of the site within the Quantock Hills Area of Outstanding Natural Beauty and adjacent to listed buildings and the Kingston St Mary Conservation Area, natural materials for the walls and roofs should be specified.
- 11 You are reminded of the need to satisfy yourself that the proposed development can be accommodated on the site in accordance with the approved plans and to ensure that the development is carried out strictly in accordance with those approved plans. Any variance thereto may result in enforcement action being taken by the Local Planning Authority.
- 12 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and

principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).

- 13 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 14 You are requested to discuss your proposals with the Borough Council's Landscape Officer before preparing the required planting scheme. (Telephone Taunton 356491).
- 15 All proposed planting should be native species.
- 16 You should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.
- 17 The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.
- 18 Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800, Saturdays 0800 - 1300. All other times, including Public Holidays no noisy working.
- 19 You are advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
- 20 With regard to Condition 33, the County Archaeologist would be happy to provide a specification for the work and a list of suitable archaeologist to undertake it.

2.0 **APPLICANT**

Dormer Rud Neubau

3.0 **PROPOSAL**

The full application provides for residential development of 25 two storey dwellings on land to the west of Hill Farm. The site is proposed for development in the emerging Taunton Deane Local Plan. The scheme provides for a mixture of 2, 3 and 4 bedroom properties served by a new access onto Bay Hill. This latter access has already been provided by the implementation of an earlier permission for the conversion of a barn and restoration of the farmhouse at Hill Farm.

The proposed development will be in the form of a series of courtyards. The materials proposed are natural stone, render and timber for the walls and tiles and slate to match the adjacent house and barns for the roofs.

4.0 **THE SITE**

The site comprises 0.78 ha of former agricultural farmyard. The buildings formerly on the site have now been demolished. The site is at the north-western end of the village of Kingston St Mary, within the Quantock Hills Area of Outstanding Natural Beauty and adjacent to the Kingston St Mary Conservation Area.

Part of the eastern boundary borders the farmhouse and traditional barns, one of which has now been converted to a dwelling, at Hill Farm and the remainder borders the main road leading into the village from the north. It is elevated above the road and the boundary slopes are vegetated by a mix of trees and hedges. The western boundary of the site abuts the remainder of the field within which the farmyard was located beyond which is a hedge. This hedge is at a lower level than the site. The site is clearly visible from the west against the backdrop of trees on the northern and eastern boundaries. To the south lies the road Bay Hill beyond which is the existing residential development of Leaches Field and Sawyers Leigh.

5.0 **RELEVANT PLANNING HISTORY**

20/1997/008LB Demolition of stone retaining wall and rebuilding wall to improve sight lines at Hill Farm, Kingston St Mary. Consent granted 3rd April, 1997.

20/1997/012 Alterations to retaining wall at Hill Farm, Kingston St Mary. Permission granted 22nd May, 1997.

20/1998/012LB Conversion of outbuildings to form a dwelling (unit 2) at Hill Farm, Kingston St Mary. Consent granted 26th November, 1998.

20/1998/013LB Conversion of outbuildings to form a dwelling (unit 1) at Hill Farm, Kingston St Mary. Withdrawn December 1998.

20/2001/017 Residential development at Hill Farm, Kingston St Mary. Outline permission granted 30th January, 2003 (considered by Planning Committee 3rd October, 2001) The permission was subject to a Section 106 Planning Agreement providing for:-

- (i) A contribution of £25,000 towards the cost of provision of footways or traffic calming within the vicinity;
- (ii) Renovation and repair of the listed farmhouse prior to the occupation of any of the proposed dwellings;

- (iii) Not less than 33% of the dwellings (including the barn conversions the subject of permission 20/2001/020) to be smaller one or two bedroom properties;
- (iv) A contribution of £13,500 towards the provision of off-site playing field provision within the vicinity; and
- (v) A contribution of £30,000 towards the provision of affordable housing within the area.

The site broadly equates with the area of the current proposal.

Although the site was in outline only, an illustrative plan was submitted indicating 9 dwellings on the site.

20/2001/020 Conversion and extension of farmhouse to form 2 dwellings and conversion and alterations of barns to form 6 dwellings at Hill Farm, Kingston St Mary. Full permission granted 10th October, 2001. In practice, the farmhouse has been renovated as a single dwelling and one of the barns has been converted to a single dwelling. The other barn is likely to be retained with the farmhouse as ancillary accommodation.

20/2001/021LB Conversion and extension of farmhouse to form 2 dwellings and conversion and alterations to barns to form 6 dwellings at Hill Farm, Kingston St Mary. Consent granted 30th January, 2003.

6.0 **RELEVANT PLANNING POLICY**

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable Development

Policy STR5

DEVELOPMENT IN RURAL CENTRES AND VILLAGES

Development in rural centres and villages should be such as will sustain and enhance their role and will be commensurate with their size and accessibility, and appropriate to their character and physical identity.

Policy 3 Areas of Outstanding Natural Beauty

Policy 5 Landscape Character

Policy 9 The Built Historic Environment

Policy 11 Areas of High Archaeological Potential

Policy 42

WALKING

Facilities for pedestrians should be improved by maintaining and extending the footpath network, particularly between residential areas, shops,

community facilities, workplaces and schools and by ensuring that improvements to the highway provide for safe use.

Policy 49 Transport Requirements of new development

West Deane Local Plan

WD/SP/1 Settlements defined as villages

WD/SP/2 Development outside the defined settlement limits

WD/HO/3 Development within the identified limits of settlements

WD/HO/7 Design and layout of new housing developments

WD/HO/8 Removal of appropriate permitted development rights

WD/CS/4 THE BOROUGH COUNCIL WILL EXPECT SIGNIFICANT DEVELOPMENTS TO MAKE PROVISION FOR DIRECTLY RELATED INFRASTRUCTURE AND COMMUNITY FACILITIES.

WD/RT/6 Play areas/open spaces

WD/EC/13 Areas of Outstanding Natural Beauty

WD/EC/23 Conservation Areas

WD/EC/25 Preservation and Enhancement of Conservation Areas

WD/EC/29 Areas of High Archaeological Potential

WD/EC/30 Areas of High Archaeological Potential

WD/EC/31 Landscaping

WD/KM/2 Infill within settlement limits of Kingston St Mary

Taunton Deane Local Plan Revised Deposit

Policy S1 General Requirements

Policy S2 Design

Policy S7 Village

Policy H1

Housing development will be permitted within defined limits of settlements, provided that:-

- (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criteria (B);
- (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips;
- (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car;
- (E) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking;
- (G) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity;
- (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings; and
- (I) existing and proposed dwellings will enjoy adequate privacy and sunlight.
- (J) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs particularly those low cost housing types which are under represented in the current stock.

Policy H12 Affordable housing within general market housing

Policy 21 Designing out Crime

Policy M3a Residential Parking Requirements

Policy C4 Recreational Open Space

Policy EN10 Areas of Outstanding Natural Beauty

Policy EN13 Landscape Character Areas

Policy EN15 Conservation Areas

Policy EN17 Listed Buildings

Policy EN24 Areas of High Archaeological Potential

Policy KM1 A site of 0.65 hectares at Hill Farm as shown on the Proposals Map is allocated for a minimum of 20 houses, provided that:

- (A) the proposed scheme ensures the restoration of the listed farmhouse prior to the occupation of any new dwellings;
- (B) the proposed scheme design respects the setting of Hill Farm farmhouse (listed building) and the Conservation Area;
- (C) a landscaping scheme is provided, to incorporate the protection of existing road side hedgerows;

In association with the development the following will also be sought:

- (D) improvements to the pedestrian network to secure improved linkages with village facilities; and
- (E) affordable housing provision in accordance with policy H12.

Policy KM2 Infill within settlement limits of Kingston St Mary

7.0 **PPG1 General Policy and Principles**

Paragraphs 4 –6 Sustainable Development

Paragraph 13 Design

Paragraph 24 Historic Environment

Paragraph 28 Rural Areas

Paragraph 40 The plan-led system

Paragraph 54 Development Plan

PPG3 Housing

Paragraphs 1 - 2 Governments' Objectives

Paragraph 14 Affordable Housing

Paragraph 16 Decisions about the amount and types of affordable housing to be provided in individual proposals should reflect local housing need and individual site suitability and be a matter for agreement between the parties. Local planning authorities and developers should be reasonably flexible in deciding the types of affordable housing most appropriate to a particular site. The objective should be to ensure that the affordable housing secured will contribute to satisfying local housing needs as demonstrated by a rigorous assessment.

Paragraphs 30-31 Identifying Areas and Sites

Paragraph 32 Allocating and Releasing Land for Development

Paragraph 38 Determining Planning Applications

Paragraphs 57 - 58 Housing Densities

Paragraph 69 In terms of overall housing provision, only a limited amount of housing can be expected to be accommodated in expanded villages. Whilst occasionally a village could be the basis for a new settlement where, for example, the development accords with the policy of developing around major nodes in transport corridors, most proposals for additional housing will involve infill development or peripheral expansion.

Paragraph 70 Villages will only be suitable locations for accommodating significant additional housing where:

- it can be demonstrated that additional housing will support local services, such as schools or shops, which could become unviable without some modest growth. This may particularly be the case where the village has been identified as a local service centre in the development plan;
- additional houses are needed to meet local needs, such as affordable housing, which will help secure a mixed and balanced community; and
- the development can be designed sympathetically and laid out in keeping with the character of the village using such techniques as village design statements.

Paragraph 71 The Government is concerned, however, that there should be adequate housing provision in rural areas to meet the needs of local people. Local planning authorities should therefore make sufficient land available either within or adjoining existing villages to enable these local requirements to be met. The needs of local people for affordable housing may often be best met by the exception policy.

PPS7 Sustainable Development in Rural Areas

Paragraph 3 Location of Development

Paragraphs 8 and 9 Housing

Paragraph 12 Design and the character of rural settlements

Paragraphs 15 and 16 Countryside protection and development in the countryside.

PPG15 Planning and the Historic Environment

Paragraphs 2.11 – 2.15 Development Control

Paragraph 4.1 Conservation Areas.

8.0 **CONSULTATIONS**

County Highway Authority

“There are no objections in principle to the above proposal however, the Estate Road is sited at the crest of the hill and is in close proximity to an existing junction and will result in conflicting traffic movements. It is of vital importance that should a pedestrian crossing point be installed in lieu of a footway over the entire frontage which allows pedestrians to access the Village and cross the highway at a point with adequate visibility. Both pedestrians and vehicles should be able to see each other over the full 'Y' visibility splay with no obstruction to visibility greater than 300 mm. It is, therefore, recommended that a full survey drawing indicating such visibility at the crossing point should be provided both in horizontal and vertical section.

The previous planning application No. 20/2001/017 was granted permission and is subject to a Section 106 Agreement. This agreement provides for the payment of a contribution of £25,000 towards provision of footways or traffic calming. In view of the increase in the number of dwellings to 251 would request that the contribution be increased to £65,000. The Section 106 Agreement should be amended to include the figure of £65,000 as a contribution to a scheme to provide a footway from opposite the site to the Village Post Office.

I enclose comments made by the Estate Road Section, these comments are to be included in a Section 38 Agreement. In the event of planning permission being granted I would recommend that the following conditions are imposed:-

1. The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and

method of construction shall be submitted to the Local Planning Authority.

2. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
3. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use.
4. At the proposed access, there shall be no obstruction to visibility greater than 300 mm above adjoining road level within splays based on minimum co-ordinates of 4.5 m x 90 m in each direction. Such visibility shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times.
5. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing No 005A, and shall be available for use before the commencement of the development hereby approved.
6. The contribution of £65,000 towards highway works will need to be the subject of a legal agreement.
7. There shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of lines drawn 2.0 m back from the carriageway edge at the pedestrian crossing and extending to points on the nearside carriageway edge 90 m either side of the crossing.

Note: Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Taunton Deane, Burton Place, Taunton, Somerset, TAI 4HE. Application for such a Permit should be made at least three weeks before access works are intended to commence.”

County Archaeologist

“The site lies within the Area of High Archaeological potential as defined by the Local Plan. It is likely that this development will affect archaeological remains associated with the medieval occupation of the village.

For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries

made. This should be secured by the use of model condition 55 attached to any permission granted:

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it. "

Wessex Water

"The development is located within a foul sewerage area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

The developer has proposed to dispose of surface water to soakaways. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure."

Somerset Environmental Records Centre

No statutory and non-statutory sites and species at the site. One or more legally protected species have been found within 1 km of the site. There are 3 County Wildlife Sites within 1 km of the site. One or more badgers have been found at the site.

Landscape Officer

"My main concerns are:-

- i. the view of the proposed development from the west where no landscape mitigation is proposed.
- ii. no space is allowed for landscape planting; and
- iii. the proximity of units, especially 5, 6 and 7, to the northern boundary of the site. I suggest stepping them back at least 5 m.

The above need to be addressed to meet the requirements of EN10 and EN13.

I could find no design statement to meet the requirements of PPG15.”

The anticipated amended plans seek to overcome these concerns.

Conservation Officer

A. Layout

Would appear to be based on maximisation of number of units, rather than a pleasant environment with cohesive approach to a design, reflective of its rural location, vis a vis:-

1. focal point on approach to site is garaging with parking spaces outside.
2. parking/garaging often divorced from houses – poor planning which will lead to ad hoc on road parking.
3. garaging and associated parking, more akin to 1970’s design.
4. defensible spaces for individual plots lacking, which could lead to ad hoc applications to provide the same. Rethink re this required now in order to avoid this.

B. Materials

On the application form, these are stated as varied but such is not apparent from the submitted elevations and hence the ‘true’ effect of the proposal cannot be adequately assessed.

C. Design of Houses

Design statement required as I can see a common approach to this but cannot relate this to the character of Kingston St Mary (e.g. pentice porches) or the setting of Hill Farm House e.g. intimate courtyards suggesting foldyard form of development but layout and design clearly more contemporary.”

The anticipated amended plans seek to overcome these concerns.

Environmental Health Officer

“CONTAMINATED LAND

Before any work, other than investigative work, is carried out in connection with the use hereby permitted:-

(a) A suitably qualified Consultant shall be appointed to investigate the nature, degree and extent of contamination, if any, in, on or under all parts of the land to which this permission refers. Previous land uses shall be researched and site inspections shall be made as necessary, having regard to the likely nature of any contamination arising from such land uses.

(b) If a hazard or hazards are identified from such investigation, a site specific risk assessment shall be undertaken to consider risks to the following, as appropriate: 1. Water resources, including any private water supplies 2. Surrounding land 3. Wildlife, livestock and eco-systems 4. Trees and plants 5. Building materials 6. Future users of the site 7. Any other persons

(c) If any unacceptable risks to any of the above are identified, a detailed remediation strategy is produced to deal effectively with them, having due regard to the proposed end use of the development.

(d) All investigations, risk assessments and remediation strategies shall be carried out in compliance with recognised protocols.

(e) Submit to the Planning Authority 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. Such remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented.

(f) Any significant underground structures or contamination discovered following approval of the remediation strategy shall be notified to the Local Planning Authority within two working days. No further remediation works shall take place until a report thereon has been submitted to and accepted in writing by the Local Planning Authority.

(g) On completion of all remediation works two copies of a certificate confirming the works have been completed in accordance with the remediation strategy, shall be submitted to the Local Planning Authority.

Reason: To ensure that the land contamination can be adequately dealt with prior to a new use commencing on site.

Note to Applicant

The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.

NOISE

Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:

Monday - Friday - 0800-1800 Saturdays - 0800-1300. All other times, including Public Holidays - No noisy working”

Leisure Development Manager

“This development should make a contribution of £806.00 for sport and £1,250.00 for play, a total of £2,056.00 per dwelling. The per dwelling cost should be applied to the entire site to include this application together with the earlier conversion and alterations to existing buildings applications.”

Parish Council

“The Parish Council supports this application. The Parish Council has the following comments:-

1. There should be no flats allowed above the garages.
2. Parish Council is reassured that the development would be a quality build and finish, this should be ensured.
3. Some evergreen trees should be included in the landscaping.”

9.0 **REPRESENTATIONS**

Two letters of representation have been received raising the following:-

1. Difficult to believe that this rigid form of high density development can be taken seriously, being totally out of character with the existing informal pattern of buildings which exist within the village. The scheme is now so far away from the original concept of relatively low density courtyards which paralleled what might have been a large farmyard, that it can hardly be considered as an approval of reserve matters. Fully appreciate the blanket policy requesting density being handed down, but submit that this is not one of the sites to implement this policy, in spite of the Inspector’s recent findings. The village has one public house, no shop, a part time post office and a very limited bus service. Understand the school is already used to capacity. The buildings proposed should, by its size and very small surrounding spaces available to each occupant, be relatively low cost. Higher cost units will not satisfactorily mix in the context of very high density and cramped rigid planning. Urge Committee to give more mature thought to this matter, in particular the realistic needs of the village, its ability to absorb some 100 new residents and the preservation in a balanced way, of a community which has taken centuries to develop.
2. No objection to units being developed, but feel that 25 houses is an excessive number for this particular site within the village. The Parish Council went to considerable lengths to gather the opinion of the village residents and it was considered that this site should have no more than

17 houses in total, bearing in mind the infrastructure available in the village and position of the site. 25 properties would also bring an excessive amount of traffic to a part of the village which has already been developed, but which retains narrow roads. Up to 50 cars trying to leave the village in a morning means there would be considerable congestion and presents a potential hazard.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Is the site appropriate for development having regard to the policies contained within the Taunton Deane Local Plan Revised Deposit? POLICY
- B. Does the proposal meet local house needs? LOCAL HOUSING NEED
- C. Is the proposed density of the development appropriate? DENSITY
- D. Does the proposed design respect the setting to the adjacent Listed Building and Conservation Area? CONSERVATION
- E. Does the proposed development provide for appropriate community benefits? COMMUNITY BENEFITS.
- F. Do the proposals constitute unsustainable development? SUSTAINABILITY.

A. Policy

The site is allocated for residential development of a minimum of 20 houses in the emerging Taunton Dean Local Plan. It is considered that changing social circumstances through the trend towards smaller household sizes, will eventually result in a declining village population. The Local Plan allocation at Hill Farm is seen as a modest amount of development which will help to counter such problems. It is aimed to achieve this through the delivery of a high density development, coupled with specific requirements for low cost market housing.

In view of the sites inclusion for development in the emerging Local Plan and the previous outline planning permission the principle of residential development is considered to be acceptable.

B. Housing Need

Policy KM1 of the emerging Taunton Deane Local Plan Revised Deposit states that in association with the development, low cost market housing to meet local needs will be sought. This will help to improve the balance of housing within the village.

During the preparation of the Local Plan, the Parish Council maintained that there was no need for additional social housing in the Parish. Instead they

referred to the need for smaller housing units to provide starter homes for young people and also smaller properties for the elderly wishing to downsize. The Section 106 Agreement related to the previous outline planning permission required that 33% of the total number of dwellings to be smaller one or two bedroom properties. Although the current application does not provide for any one bedroom properties, a substantial proportion of the proposed dwellings are two bedroom. The absence of any one bedroom units is broadly in line with the Parish Council's wishes for there not to be any flats above the garages.

C. Density

The emerging Taunton Deane Local Plan notes that changing social circumstances within the village, in particular the trend towards smaller household sizes, will eventually result in a declining village population. The residential allocation at Hill Farm is seen as a modest amount of development which will help to counter such problems. The Local Plan states that this will be achieved through the delivery of a high density development, coupled with specific requirements for low cost market housing. To secure this, the Local Plan Policy KM1 allocates the site for a minimum of 20 houses. With the site area of 0.65 ha in the Plan this equates to 30.8 dwellings per hectare. The application site extends to 0.78 ha with the provision of 25 dwellings. This equates to 32 dwellings per hectare.

PPG 3 advises that Local Planning Authorities should:-

- (i) avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net); and
- (ii) encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net)

With the density of the development proposed I consider that the proposed development is in compliance with the emerging Local Plan Policy and within the parameters set down by Central Government Guidance within PPG3.

D. Conservation

The site is immediately adjacent to Hill Farm farmhouse and its traditional outbuildings. The farm house is listed in its own right and the outbuildings are listed by virtue of curtilage. The site is also immediately adjacent to the village conservation area. Policy KM1 of the emerging Taunton Deane Local Plan states that residential development on the site is appropriate provided that the proposed scheme ensures the restoration of the listed farmhouse prior to the occupation of any new dwellings and that the proposed scheme design respects the setting of Hill Farm farmhouse and the Conservation Area. The lower case text notes that having regard to the setting of the listed building, land at Hill Farm has the potential for a residential scheme consisting of about 20 dwellings. The Plan goes on to say that an imaginative design solution is required in this sensitive location, which could involve the creation

of a courtyard development, resulting in a series of spaces and building to give the feel of a natural part of the farm.

The Conservation Officer has concerns with regard to the originally submitted scheme. As a result, discussions have taken place with the applicants and their agent and amended plans are to be submitted which need to meet her concerns. A Design Statement is also to be submitted. Subject to the receipt of these, I consider that the proposal is acceptable from a conservation point of view.

E. Community Benefits

As part of the development, there is a need to secure convenient and safe pedestrian access to local facilities. Traffic calming and footway provision for the village have been designed by the County Highway Authority. The current development will add to traffic flows within the village so the Local Plan Policy for the site requires that the development should contribute towards the implementation of the scheme. The recommended Section 106 Agreement requires a contribution of £65,000 towards these works, as requested by the County Highway Authority.

The proposed development provides for a proportion of the dwellings to be low cost market housing to meet local needs. This will help to address the changing social circumstances referred to earlier in the report.

In line with Taunton Deane Local Plan Policy C4, the Leisure Development Manager requests contributions towards improvements toward off-site children's play and public open space provision. A contribution of £2,056 per dwelling is to be secured through the recommended Section 106 Agreement.

F. Sustainability

The Government seeks to concentrate most additional housing development within urban areas. PPG3 states that villages will only be suitable locations for accommodating significant additional housing where:-

- it can be demonstrated that additional housing will support local services, such as schools or shops, which could become unviable without modest growth;
- additional houses are needed to meet local needs, such as affordable housing, which will help secure a mixed and balanced community; and
- the development can be designed sympathetically and laid out in keeping with the character of the Village.

It goes on to say that there should be adequate housing provision in rural areas to meet the needs of local people ... "local planning authorities should therefore make sufficient land available either within or adjoining existing villages to enable these requirements to be met."

Other considerations include:-

- the availability of previously developed sites and empty or under-used buildings and their suitability for housing use; and
- the location and accessibility of potential development sites to jobs, shops and services by modes other than the car, and the potential for improving such accessibility.

In the case of the Hill Farm site, the following considerations are relevant.

1. At the present time the Village provides a primary school, village hall, public house, church, part time post office and a garage. The two local shops, the butcher and baker, have now closed. It is acknowledged that the proposal will only offer limited support to these facilities, but it may help to prevent further losses.
2. The proposal will provide an element of low cost housing in response to identified local needs embracing starter homes suitable for young people and smaller properties suitable for the elderly wishing to downsize.
3. The development is designed to respect the character of the listed farmhouse, the Conservation Area and the AONB. The site was previously occupied by a range of modern farm buildings. The proposal therefore enhances this part of the village
4. Whilst not strictly constituting previously developed land, because of the former agricultural use, the range of modern farm buildings and concrete surfaces which previously occupied most of the site had the appearance of brownfield land and detracted from the character of this part of the Village.

The appropriate conversion of the two traditional barns and the listed farmhouse to small residential units is in line with the principles of sustainable development.

5. Whilst it is accepted that the majority of residents of the new development will look to Taunton for their employment, shopping and leisure activities, sustainable travel options are available. There is a bus service to Taunton. This offers scope for travel to work and shopping. In addition Kingston St. Mary is within easy cycling distance of Taunton town centre, being a relatively flat route and only 15 minutes cycling time.

11.0 **CONCLUSION**

The site is allocated for residential development for a minimum of 20 dwellings in the emerging Taunton Dean Local Plan. The application will

secure a range of benefits for the village, including the redevelopment of what was previously an untidy site with run-down modern agricultural buildings, the provision of low cost housing which will meet the needs of the village and secure a contribution towards the provision of footways in the village.

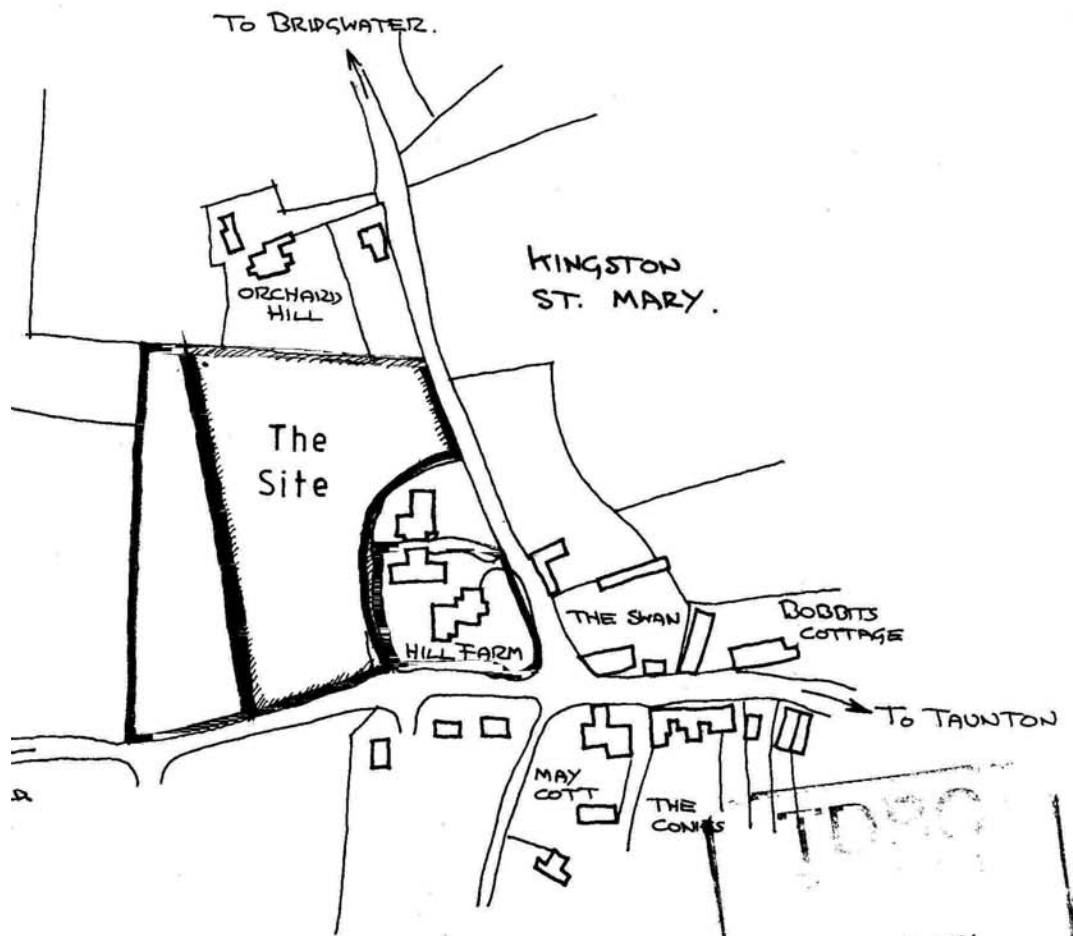
The scheme is in accordance with Policy KM1 in the emerging Taunton Deane Local Plan and is considered to satisfy the principles of sustainable development set out in PPS1, PPG3 and the Structure and Local Plans . I consider that the amended plans will respect the setting of the adjacent listed farmhouse and the character of the area.

The proposed development has the support of the Parish Council and there have only been two letters of concern from local residents, with the main issue raised being the density of the proposed development. I consider that the density of the proposed development is in line with that required by the Local Plan policies and Central Government Guidance.

I therefore consider that the proposal is acceptable and recommend that permission be granted subject to the Section 106 Agreement and the receipt of satisfactory amended plans and Design Statement.

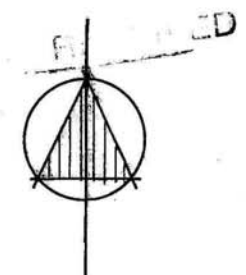
In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr J Hamer Tel: 356461



Hill Farm
 Kingston St Mary
 201.01

9 AUG 2004
 24



Location Plan 1:2500

THE PEARCE PRACTICE
 50 HIGH STREET
 TAUNTON.
 tel. 01823 322820

05/2004/034

MR & MRS SCORER

ERECTION OF 2 STOREY EXTENSION WITH SINGLE STOREY CONSERVATORY AT 19, BADGERS CLOSE, TAUNTON AS AMENDED BY AGENTS LETTER DATED 6TH OCTOBER, 2004 AND ACCOMPANYING PLAN AMENDMENT A

20830/24304

FULL PERMISSION

PROPOSAL

The proposal is for the erection of a two storey extension to the south (side) elevation, a conservatory on the rear elevation, and a dormer window in the front elevation. The plans also show that the loft will be converted to 2 rooms with a central staircase, with a new window in each side elevation at high level (cill height 6.3 m). and 4 rooflights in the front roof slope.

The two storey extension has dimensions of 3.3 m width x 8 m x 8.2 m high, and will include a garage/workshop with en-suite bedroom above, and a room at second storey level. Materials will match the existing dwelling.

The existing dwelling is a detached 4 bedroom property located alongside another detached dwelling at the head of a cul-de-sac on a modern estate. The side of the site is sideways onto the rear boundary of dwellings which front the main road A38 (New Wellington Road).

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL visited the site, and consider there is no significant visual or other impact on any other property in Badgers Close. Visited the home of the two objectors in New Wellington Road. Concluded that on one property the impact of the extension would not be significantly greater than that of the existing development. With regard to the other objectors property, there is no doubt that this property will be the one most affected. Concluded that although the proposed extension will have an impact, overall this would not be sufficiently significant to justify refusal of the application. Took into account:- (1) the proposed development is to the north and therefore will not take any direct sunlight from either the house or garden; (2) there is a considerable difference in height. The footpath and ground floor of the extension will be at least 1 m lower than the garden and the first floor will be almost level with the ground floor of the objector's house, and will be partly screened by vegetation; (3) although the proposed extension will be about 4 m nearer to the lower section of the garden (of the objector's house) than the existing end wall, the new situation will not be significantly different than the existing conditions in many other gardens in the parish; (4) the major concern appeared to be the two windows in the end of the proposed extension, although it is understood that

these will be glazed with obscure glass it would be beneficial if they could be eliminated altogether.

TWO LETTERS OF OBJECTION raising the following:- two storey extension will have gable wall in the region of 7 m high above adjoining garden level; the existing dwelling already dominates the garden, and proposed extension will significantly increase the visible mass and create an extremely overbearing structure which will dominate garden and have a detrimental impact; extension will reduce daylight and overshadow garden and property at certain times of the day; reduced level of privacy from first and second floor windows in side elevation in close proximity; conservatory will be sited immediately upon the boundary - no indication as to whether windows in south elevation will have obscured glass; construction may need access from adjoining property - plans do not indicate boundary line or exactly how close extension will be.

POLICY CONTEXT

Policy H19 supports house extensions provided they do not harm the residential amenities of surrounding properties or the amenities of the site; the form and character of the dwelling and are subservient to it in scale and design. Policy S1 sets out general requirements for development. Policy S2 seeks good design.

ASSESSMENT

There is no objection to the conservatory, or to the dormer window. The main issue is the impact which the two storey extension, and the proposed windows, will have on the nearest property, No. 34 Wellington New Road.

The rear garden of No. 34 has a distance of some 15 m from the rear of the dwelling to the rear boundary, with a 2 m timber fence along the boundary. The dwelling has had a single storey dining room extension on the rear, with patio doors leading onto a patio. There is some low screening vegetation to the patio. 2 steps lead down to a lower part of the garden, where there is no screening vegetation.

At present, the side wall of No. 19 Badgers Close, which scales 8.2 m high, is just over 4 m from the boundary, and has only 1 obscure glazed bathroom window in it at first floor level. The proposed extension will bring the gable wall to within 0.7 m of the boundary and will have a first floor and a second floor window, both of which serve habitable rooms.

The agent has submitted an amended plan which shows the 2 second storey windows in obscure glazing, however, they will still be capable of being opened.

The side of No. 19 Badgers Close is in full direct view from the adjacent property, and the existing house dominates the garden, and to a slightly lesser extent the patio and house. It is considered that the proposed extension will exacerbate the present effect to an unacceptable degree.

A single storey extension to provide a garage/workshop would overcome the problem and be quite acceptable. The applicant has been asked to amend the application accordingly.

RECOMMENDATION

Permission be REFUSED for the reason that the proposed two storey extension by reason of its scale, height, bulk, and windows in close proximity to an adjacent property, would have an overbearing and dominating impact on the adjacent garden and dwelling and would result in overlooking and loss of privacy. This would be detrimental to the residential amenity of the occupants of the neighbouring property and contrary to Taunton Deane Local Plan Revised Deposit Policy H19.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356468 MRS H PULSFORD (MON/THURS/FRI)

NOTES:

10/2004/019

MR H WELSH

VARIATION OF CONDITION 03 OF PLANNING PERMISSION 10/1988/023 TO ALLOW ACCOMMODATION TO BE USED AS HOLIDAY LET AND DELETION OF LINK AT NORTHDOWN HOUSE, CHURCHINFORD (RE-SUBMISSION OF APPLICATION 10/2004/010) AS AMENDED BY FAX DATED 10TH SEPTEMBER, 2004

21137/13866

FULL PERMISSION

PROPOSAL

The proposal is for variation of Condition 03 of planning permission 10/1988/023 to allow ancillary accommodation to be used as a holiday let and deletion of link. The footprint of the proposal is the same as that on the approved drawing. The elevations show minor changes with re-positioned windows and doors. The amended plan indicates a different layout for the garages and store, with the provision of two parking/garage spaces. The existing access will be retained. A previous planning application for use as separate dwelling was refused under delegated powers in June.

CONSULTATIONS AND REPRESENTATIONS

TOURISM OFFICER support the application and can clarify the demand for tourism units within the area.

PARISH COUNCIL are of the opinion that the proposal should be refused. Previous refusal reasons equally valid.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit EN10 Development which would affect the landscape, character and appearance of AONBs will not be permitted. Within AONBs development will be strictly controlled to preserve and enhance their natural beauty. EC3 Conversion of rural buildings. Outside the defined limits of settlements, the conversion of buildings to tourism use will be permitted, provided that: (A) the building proposed to be converted is of permanent and substantial construction, and:- (1) has a size and structure suitable for conversion without major rebuilding, or significant extension and alteration or extension; and (2) has a form, bulk and general design in keeping with its surroundings; and (3) is sited near a public road; (B) and the proposal would:- (1) not harm the appearance, nature conservation and historic heritage or surroundings of the building; (2) be compatible with the rural character and landscape quality of the area, taking account of any visual improvements proposed; and (3) not harm the residential amenity of neighbouring properties or highway safety and adequate arrangements can be made for the provision of services; and (4) not lead to a dispersal of activity on such a scale as to prejudice town and village vitality.

Somerset & Exmoor National Park Joint Structure Plan Policy 3 AONBs; priority is to preserve and enhance the landscape. Policy 23 Tourism Developments in settlements. STR6 Development in open countryside

ASSESSMENT

It has been agreed by Taunton Deane Borough Council that the application 10/1988/023 has been part implemented but is not completed The building is being used as storage/ancillary accommodation for the Northdown House but the external alterations have not yet been undertaken. This change of use of the building to a holiday let meets the requirements set in Policy EC3 of Taunton Deane Local Plan Revised Deposit 2000. It is considered that the proposed use will not affect the amenities of the nearby residential properties or of the site itself, nor detract from the visual amenity of the AONB that it is situated within.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials and holiday let only. Notes as on original 1988 permission.

REASON(S) FOR RECOMMENDATION:-The proposed holiday let is considered acceptable in principal and would not harm neither visual nor residential amenity. The proposal is in accordance with Taunton Deane Local Plan Revised Deposit Policy EC3.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356313 MRS F WADSLEY

NOTES:

10/2004/021

MR D CROCKCROFT

ERECTION OF TWO HOLIDAY CHALETS AT LAND AT PAYE PLANTATION, STAPLEY AS AMENDED BY AGENTS LETTER DATED 24TH SEPTEMBER, 2004 WITH ATTACHED DRAWING NO. 8703/3B AND AGENTS LETTER DATED 12TH OCTOBER, 2004

18674/13411

FULL PERMISSION

PROPOSAL

The proposal is for the erection of two timber holiday chalets with associated access track and parking within Paye Plantation. The site is located within an area that is a mix of conifer plantation, native scrub/woodland and Moorgrass and Rush pasture. There is an existing access track that runs east off the adjacent highway. The access to the Chalets would branch off this track through scrubland to the site of the chalets. A new reed bed water treatment area would be provided adjacent to the existing junction with the main road and a 200 mm deep swale would be formed to the west of the chalets to receive surface water run-off. The Chalets would have timber clad walls and the roof will be to Local Planning Authority requirements.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections, views on amended plans awaited. ENVIRONMENT AGENCY no objections, views on amended plans awaited. ENGLISH NATURE no objection - (1) the site involved is not designated in any way for its wildlife or geological interest; (2) the ecological consultants report is fine as far as it goes but it does not appear to have been carried out at a time of year which enables the site to be assessed fully; (3) the consultants report clearly describes an important vegetation community (M25 in the National Vegetation Classification) as being present. This is of value, it is a habitat which is included in a Priority National Biodiversity Action Plan (BAP for purple moorgrass and rush pasture), the TDBC BAP lists purple moorgrass and rush pasture as a key habitat. M25 is listed as a habitat which should be protected (as part of Molinia meadows on clay and chalk) by Annex 1 of the Habitats. Directive 1994. The associated ditches also contain species of interest.(4) the report would also seem to indicate that this is not a particularly large or good example of M25, almost certainly due to lack of appropriate management. The report does however make the point that the survey was not carried out at the optimum time of year; (5) we would agree with the consultant that it is both possible and desirable to leave the area occupied by M25 and associated ditches free of development or the impacts of development. (6) we agree with the Somerset Wildlife Trusts suggestion, that a condition of planning permission to manage the remaining semi-natural habitat on the site (M25, ditches and scrub) appropriately in the future would be preferable; (7)it would appear from the plans supplied that the location of the buildings is about 30 m east of that recommended by the consultant and does in fact impinge upon the area of M25. Although there does appear to be some difference as to the exact location when comparing the maps supplied; (8) the consultants report indicates that the M25 area may contain populations

of adder, slowworm and newts. If this is the case then these species may also be found in the adjacent scrub. We note that no follow up survey has been done to establish whether the species in question are present or not and suggest such a survey is carried out before determination. The species involved are protected under the Wildlife and Countryside Act.. SOMERSET ENVIRONMENTAL RECORD OFFICE there is no statutory or non-statutory sites or species recorded on the site.

LANDSCAPE OFFICER the site is visually discrete and unlikely to impact on the surrounding landscape it is important that the scrub is maintained around the buildings. The Environmental recommendations contained within the submitted report must be followed. PROMOTION AND TOURISM OFFICER support this application, there is a current demand for more self-catering accommodation in this area. The accommodation should be independently inspected to ensure a high quality/standard of accommodation.

PARISH COUNCIL has strong objections to the proposal for the following reasons: - (1) this development would be out of context and in contravention of Policy of an Area of Outstanding Natural Beauty where "small" and "unobtrusive" are development requirements; (2) there would be inevitable damage to the local flora and fauna - again contravening AONB Policy; (3) there would be extensive damage to local infrastructure during construction; (4) the proposed buildings appear to be larger than one would expect to see in a "holiday" context; (5) a survey - details not provided with your letter of 17 September 2004 - appears to have been carried out by someone whose qualifications have not been stated; (6) there has, allegedly, been correspondence between the applicant/his agent and various bodies e.g. the Environment Agency, Somerset Wildlife Trust etc. to which the Parish Council has not been privy; (7) it is feared that the granting of permission for two chalets at this time will lead to further requests, which will be difficult/impossible to resist, to expand the development; (8) my Council understands that Broadoak Building Design is involved in this project and, in view of this Company's "track record" on the Trents Farm development in Churchinford, it feels that the previous point is extremely relevant; (9) my Council understands that any new applications relating to "holiday lets" must be accompanied by evidence of research into the "need" for such accommodation. Has this evidence been provided in this case and, if so, might my Council have a sight of it? (10) if permission is granted, a condition excluding any expansion - in perpetuity - must be included.

7 LETTERS OF OBJECTION have been received raising the following points: - the site is within the centre of the Blackdown Hills Area of Outstanding Natural Beauty in an unspoilt woodland area and will have a radical impact on the landscape and a detrimental impact on the local wildlife of the area; the Mire is an important habitat and will be damaged by the foul drainage of the proposal; the development could lead to new populations of badger coming into the area and this may bring TB into the area; there are dipper and kingfishers on the site along with numerous plants; the site is damp throughout the year and is a poor site for tourism accommodation with little local services (nearest shop is approximately 2 miles away); only two units is unlikely to be viable and more units will be needed in the future; the proposal would set a precedent for similar proposals in the area; there are natural springs in the area as exemplified by the continual road repair in the vicinity of Stapley and Biscombe Lane; access to the site is poor, via single width rural lanes, and additional lorries and cars along the roads and hamlet would cause disturbance and be unsafe; there is no turning for transporter lorries; new services such as electricity etc. will need to be laid and this will have a

detrimental impact on the area; the chalets are larger than those usually built for holiday use and are more akin to bungalows for permanent accommodation; the chalets should be near the applicants home; the site cannot be adequately screened from noise lights and other human habitation noise/disturbance; the Environmental Impact survey was done in February by a person with no qualifications or experience she states there is a three year re-growth period but this site was felled in 1994-1995 and the decision to replant should have been enforced; part of the Plantation is owned by a different person who is awaiting the outcome of this application before submitting one of his own.

2 LETTERS OF SUPPORT this type of proposal is much needed in this area; the site is secluded with good access and sensitive to environmental issues; having lived all our lives the proposal will be beneficial with extra trade for public houses, local shops etc.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR6 (development in the Open Countryside), Policy 3 (Area of Outstanding Natural Beauty), Policy 23 (tourism development in the Countryside) and Policy 49 (Transport Requirements for New Development).

Taunton Deane Local Plan Revised Deposit Policies S1 (general requirements), S8 (Outside Settlements), EC19 Proposals for static caravan sites and holiday chalet developments will only be permitted provided that the proposal: - (A) would not harm the landscape and be adequately screened; (B) provides for access and turning by transporter lorries; and (C) has good access to the main road network; and (D) within Areas of Outstanding Natural Beauty only small scale, unobtrusive developments will be permitted. EN10 (Area of Outstanding Natural Beauty), EN4a (Protected Species), M3a (Parking Requirements).

ASSESSMENT

The proposed chalets are within an Area of Outstanding Natural Beauty where new development is strictly controlled. Policy EC19 allows for the provision of holiday chalets within AONB's provided they are small scale and unobtrusive. The proposal would utilise an existing track way off the highway. Whilst the driveway would be visible from the road the existing scrub and boundary trees would screen/soften the visual impact. It is proposed to introduce a reed bed on the land in the corner of the new drive, existing drive and highway and the reeds should produce an additional screen between the road and the drive. The proposed 3 bed roomed wood clad chalets would be screened from the highway by the existing roadside bank and trees and would fit into the woodland surroundings with minimal impact on the surrounding landscape. The chalets have been sited within the existing scrubland/woodland to avoid the more sensitive mire vegetation and the timing of development will be conditioned from March to September to avoid nesting birds and mammals. Construction details are also conditioned to ensure

environment friendly methods are adhered to. The proposal represents a small scale, unobtrusive development that is considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, holiday accommodation only, construction methods (including access drives), no works to be carried out between October and March, retention and protection of the surrounding vegetation, wildlife survey for slow worms, adders and newts, parking, surface water drainage, no external lighting. Notes re permeable road surfaces and water butts; drawing of the necessary surface run off feature is required.

REASON(S) FOR THE RECOMMENDATION:- The proposal represents a small scale, unobtrusive holiday chalet development in accordance with Taunton Deane Local Plan Revised Deposit Policy EC19 and policy EC10.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

19/2004/012LB

MR D GROUNDS

**INSTALLATION OF SOLAR PANELS AT THE CIDER HOUSE, CAPLAND COURT,
HATCH BEAUCHAMP.**

30574/18846

LISTED BUILDING CONSENT-WORKS

PROPOSAL

The application is retrospective and comprises the installation of 2 No. solar panels on the pantiled roof of the front elevation of one of a group of former farm buildings which have been converted to residential use. The buildings are within the curtilage of Capland farmhouse, a Grade II listed building.

The application is identical to application 19/2003/020LB which was refused in January, 2004 because of its adverse impact on the character and appearance of the building and group of buildings. A report was then presented to Committee on 19th May, 2004, where it was resolved not to authorise listed building enforcement action and prosecution proceedings, contrary to recommendation.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER very visible within courtyard and from main entrance to former farmyard complex. Objection raised.

PARISH COUNCIL the Council reiterates its previous decision, namely that the Council objects to the proposal as submitted because of its impact on the character and setting of a listed building.

1 LETTER OF OBJECTION has been received on the grounds that the siting of the panels has an adverse effect on the appearance of the roofline of this courtyard development; previous applications for additional roof windows have had to be positioned facing out from the development and had to be of an approved velux heritage type and strictly limited in number; the panels were installed without a planning application being submitted; and that there are stringent conditions imposed on barn conversions, especially those of a courtyard nature within the curtilage of a listed building.

POLICY CONTEXT

Policies EN17 and EN18 of the Taunton Deane Local Plan Revised Deposit seek to safeguard the character, appearance and setting of listed buildings.

ASSESSMENT

Whilst the building is not listed in its own right, it is nevertheless of considerable architectural merit and is sited within the curtilage of the farmhouse, which is a Grade II

listed building. The building and the group of buildings of which it forms a part, represent an important historical and visual link with the farmhouse, and consequently any alternations which are out of character or which would detract from their architectural merit, should be resisted. The solar panels are obtrusive, modern and totally alien to the character and appearance of the building and group of buildings, and it is recommended that listed building consent be again refused. The application is being presented to Committee because of the resolution of the Committee of 19th May, 2004, which resolved that no enforcement action be taken. The Committee is therefore advised not only to again refuse listed building consent with an additional reason regarding creating an undesirable precedent, but to authorise enforcement action and prosecution proceedings.

RECOMMENDATION

Listed building consent be REFUSED for the reasons of (1) the proposed development would be out of keeping with the character and appearance of this building and the adjoining group of buildings, all of which are curtilage buildings of Capland Farm, a Grade II listed building. Accordingly, the proposal is contrary to Policies EN17 and EN18 of the Taunton Deane Local Plan Revised Deposit, and (2) the granting of listed building consent would create an undesirable precedent for applications of a similar nature which the Local Planning Authority would then find difficult to resist. The cumulative impact of such development would considerably exacerbate the adverse impact on the character and appearance of the building and group of buildings contrary to Policies EN17 and EN18. It is also resolved that enforcement action and prosecution action be authorised.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

20/2004/022

MR G GARDNER

**ERECTION OF DWELLING, GARAGE AND DRIVE, LAND AT BROADWAY HOUSE,
CHURCH LANE, KINGSTON ST MARY.**

22438/29817

RESERVED MATTERS

PROPOSAL

The application is for reserved matters following the Planning Inspector's approval of a dwelling on the site in April 2002. The site is to the west of Church Lane, on land currently the garden area of Broadway House. The land is steeply sloping up the hill with a steep slope up into the site. There is a bank and hedgerow approximately 2 m in height separating the site from the lane below. An access point has already been created, but this will be further adapted to form a more level entrance into the site. There will be a fall of 1.5 m from the flat area by the lane down to the garage, which is the furthest east portion of the house. The proposal is for a three-floored house to include rooms within the roofspace. The agents have stated that the style and appearance of the building has been derived from the local vernacular, uses local materials, the siting of the house takes advantage of the views, the house has been set into the site's slope having regard to levels which allows the rear of the site to wrap around the building reducing the visual impact. The building would have locally sourced red sandstone for the bottom plinth, a soft red handmade brick and natural slate roof. Landscaping has been the subject of discussions with the Landscape Officer, and comprises new tree planting on the west, north and eastern boundaries, and there is an existing hedge beginning to establish between the site and Boundary House.

Two Outline planning applications have been made, the first in November 2000, (refused in February 2001) and second made in July 2001 (refused in October 2001). Planning permission was refused for the erection of a dwelling on the site (most recent application) on grounds that the site was in the Area of Outstanding Natural Beauty, the house would be in an elevated position on the outskirts of the village detrimental to the rural character of this area, and a sub standard vehicular access. A planning hearing was held, and the Inspector's decision was issued in April 2002. The Inspector concluded that a dwelling could be erected on site without harm to the aims of the development plan policy to safeguard the character of Kingston St Mary and the surrounding attractive landscape, and adequate access can be provided. He allowed the appeals with conditions. He considered illustrative plans and stated that a sensitively sited and designed dwelling at the site, making use of the contours of the ground and with appropriate landscaping and planting would not erode its landscape character or result in any unacceptable harm to important views. An application made earlier this year did not include elevation/sections which placed the building within the site level, leading to concerns about excessive height above ground. This application was withdrawn prior to decision. Amendments have also been made to the design since this proposal was withdrawn.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections subject to conditions. COUNTY ARCHAEOLOGIST no objections. WESSEX WATER a water main crosses the site, points of connection to be agreed, and note re protection of apparatus.

LANDSCAPE OFFICER subject to normal 5 year landscape condition, the proposals seem reasonable. CONSERVATION OFFICER the application differs little from the one withdrawn; the design concept is lacking; due to the scale of accommodation, the principles identified by the Inspector cannot be encompassed e.g. position away from the north and west boundaries, partly cut into the hill to exploit the contours of the land so dwelling largely presents a single storey elevation to north and east, additional landscaping to the east; the additional plans indicate that the proposal does not address the principles set down by the Inspector.

PARISH COUNCIL supports the application.

PARISH COUNCILLOR supports the proposal; the village needs controlled expansion; the proposed house would be a fine addition on an excellent site.

TWO LETTERS OF OBJECTION raising the following issues:- building is too dominant; is three storey with roof and tower; inappropriate in Area of Outstanding Natural Beauty; should be further lowered; note that it is close to the road; should be evergreen trees to south west; any further development should be refused; it will be as high as the church and dominate the view causing an eyesore; previous developments for lesser schemes have been refused.

ELEVEN LETTERS OF SUPPORT modern house but with traditional materials; trees will provide an obvious break between the village and open countryside; within building line of village; the housing stock of Kingston St Mary needs to be increased; will not be visible from majority of viewpoints in the village as it is cut into the hillside and well landscaped; a quality proposal; plot will suit one large house or 2/3 smaller houses; interesting design; family housing needed to support local services; will be difficult to see from the roadside in Church Lane.

ONE LETTER OF NO OBJECTION

POLICY CONTEXT

Policy S1 seeks, inter alia, to safeguard visual amenity. Policy S2 seeks good design. Policy S7 identifies villages where small scale developments are likely to be acceptable. Policy H1 sets out the criteria for new housing within settlements. Policy EN10 relates to preserving and enhancing the natural beauty within Areas of Outstanding Natural Beauty. The site is located within Kingston St Mary village limits and is just outside the Conservation Area in Taunton Deane Local Plan, and is within the Area of Outstanding Natural Beauty. The Inspector decision to allow the siting of a dwelling on the appeal site, thus the proposal is acceptable in principle.

ASSESSMENT

Given the Inspector's decision to allow the appeal, the principle of a dwelling on the site is established. A water main crossing the site determines its easterly position. It is sited within the contours such as to lessen the visual impact, and rooms have been placed sensitively within the roof space. The earlier full application contained too many dormers and other details have been changed to result in a building considered appropriate for the site. It will be higher than the single storey building envisaged by the Inspector, but that was not a condition of the permission, and the proposal is considered to be acceptable.

RECOMMENDATION

Details be APPROVED subject to notes from Wessex Water and a reminder of the need to comply with the Appeal Conditions.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to accord with Taunton Deane Local Plan Revised Deposit Policies S1, S2, and H1, without detriment to the character of the area.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356460 MS K MARLOW (MON/TUES ONLY)

NOTES:

21/2004/026

T J & B J PRISCOTT

**ERECTION OF STABLES FOR DIY LIVERY AND IMPROVEMENTS TO ACCESS,
FIELD NG ST1123/2308 EAST OF LANGFORD BUDVILLE (AMENDED SCHEME).**

11110/23120

FULL PERMISSION

PROPOSAL

The proposal provides for the erection of a block of 3 stables for DIY livery and the improvement to the existing access to the field from the road leading into Langford Budville from Langford Gate. The stables proposed are 10.8 m x 3.6 m and are proposed to be tanalised softwood walls and brown steel roof. There is a mains water supply running through the field and there is a water meter and drinking trough near to the proposed site for the stables. The proposed improvements to the access comprise the closure of the existing access and the formation of a new access closer to the village. The field also has the benefit of a further existing access at its north western corner. The applicants state that the field was part of a larger field accessed from Chipley. The applicants contend that now that they are using the gateway in the south eastern corner of the field, this is not satisfactory from a visibility point of view. After a minor traffic incident on this section of highway, the applicants sought advice from the County Highway Authority and they indicated that the best course of action was to provide a new gateway with the visibility splay as proposed.

Since the earlier application, my officers have held site meetings with the applicant together with a representative of the County Highway Authority. The current proposal reduces the proposed visibility at the point of the new access from 47 m indicated previously to 35 m.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the stables are to be sited on the northern side of the field near to a field gate which has access to Butts Lane via a private access. The applicant has an unrestricted right of way over this private access. The proposed stables would therefore have the benefit of two accesses. The classified un-numbered road through Langford Budville is subject to a speed limit of 30 mph. The proposed access would be sited off this road at the eastern end of the village just within the speed limit. The visibility requirement for 30 mph is 2.4 m x 90 m. Considered that 45 m is the absolute minimum y distance required in this instance. In the event of planning permission being granted would recommend conditions with regard to access, hard surfacing for first 4.5 m, gradient no more than 1 in 10, provision to prevent discharge of surface water onto highway and entrance gates to be set back 4.5 m. Advisory note re contacting Highway Service Manager.

ENVIRONMENTAL HEALTH OFFICER recommends advisory note re clean and surface water should be kept separate from foul drainage, foul drainage and foul surface water run off should be disposed of in such a way to prevent any discharge into any well, spring or watercourse, manure heaps not to be sited in an area where they will cause pollution water course or water source and storage and disposal of collected wastes to be undertaken in accordance with the MAFF Code of Good Practice.

PARISH COUNCIL object to proposal on grounds of access to the field being on a dangerous stretch of road with not enough visibility, development on a site outside the village settlement, concern over the drainage of surface water from the stables into existing drains, which at the moment discharge onto the highway and concern over proposed change of use of the field.

7 LETTERS OF OBJECTION inaccurate plans; potential traffic hazard at what is already recognised as a dangerous approach road to Langford Budville with inadequate sight lines; introduction of 30 mph limit has not improved safety; private drives used as passing places with damage to property; outside the village settlement limits in open countryside and would therefore constitute an undesirable intrusion into this scenic area; bordering a conservation area; surface and foul water entering the existing drain which discharges onto the highway at Chipley may pollute the stream into which it discharges; the loss of such a vast amount of ancient hedgerow on the approach to the village will have a devastating effect; will be detrimental for visitors to the church; this attractive area of countryside is irreplaceable and should not be allowed to be desecrated; will affect the forefront of the historic and beautiful church; proposed access has no relevance to the stabling which it purports to supply - access to the stables will actually be from existing driveway to north over which applicant has a right of way for reasonable agricultural access; would object to increase in traffic over this driveway due to invasion of privacy and marked increase in maintenance involved; due to severe slope at this point difficulty in accessing from existing driveway, especially towing horse boxes and trailers; will result in vehicles turning on objector's land; safety issues with horses running free adjacent to public footpath on northern boundary of field; proposed stable and access are at the same point as for the proposed village hall, the application for which is currently the subject of an appeal - appears to be an attempt gain changes to access in advance of this; impracticality of access which leads into the field on a considerable slope and would make reaching the intended stables very difficult and almost impossible if the conditions were anything other than bone dry; stable would have big impact on privacy of objector's property.

1 LETTER OF SUPPORT not out of keeping with the rural view from the church; the opportunity for improvement to road safety at this notorious accident black spot outweighs aesthetic considerations and that provided that the highways experts are convinced that the access can be made safe it should be permitted; given that the proposed village hall does not appear to be a possibility, the applicant should be given every chance to make good use of the field; increasingly doubt that the Parish Council are behaving fairly and impartially with regard to applicant's proposals.

POLICY CONTEXT

Policy STR6 states that development outside towns, rural centres and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

WD/SP/2 of the West Deane Local Plan states that outside defined settlement limits, development will not be permitted unless it is for the purposes of agriculture or forestry or accords with a specific development plan policy or proposal. Policy WD/EC/7 of the same plan states that the removal of hedgerows will be resisted by the strict control of development. Proposals involving a new or altered access should be located and designed to minimise the loss of hedgerow for visibility splays or other development. The supporting text notes that hedgerows are important to the character of the landscape and settlements, providing habitats for wildlife and screening.

Policy S1 of the Taunton Deane Local Plan Revised Deposit includes general requirements for new developments. One of these is that the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development. Policy EN5 of the same plan states that development which would harm trees, woodlands, orchards, historic parklands and hedgerows of value to the area's landscape character or wildlife will not be permitted unless adequate provision is made for tree cover to compensate for this loss. The supporting text notes that hedgerows are a particularly important part of the pastoral landscape, their loss potentially harmful to the rural character of villages and lanes. Policy EN13 states that development proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas. The site is located within the High Vale Landscape Character Area where a contribution towards the character of the area is the presence of fields bounded by thick hedgerows and standard trees.

ASSESSMENT

The applicants state that there will be no requirement for a new track as horse boxes will pull in to the new entrance to load and unload the horses which will then be walked across the grassland to the stables. The field is at present used for hay/silage making, which requires access and egress for large machinery. The applicants contend that it will be much safer with the proposed new entrance and that the short-term loss of the hedgerow is far outweighed by a long-term benefit to road safety. They also contend that the approach to the village will be made safer and that the speed of traffic would not increase. The applicants indicate that only a small area of the field will be grazed, the remaining area will be conserved as at present. Furthermore, the hedge to the rear of the proposed site for the stables is much higher than the proposed stables. The applicants state that the stables at Chipley are all used, as is the grazing land, so to put more stables there is not an option. Mains electricity is not essential for the stabling. The applicants confirm that the existing access was in place when they purchased the field in 1984. The field slopes away from the proposed entrance gate, other than the first 11m. The applicants state that they would not use the access at the north western end of the field for vehicles towing horse boxes.

The current proposed alterations to the access will have less of a harmful visual impact than that proposed with the previous application and much less again than that was proposed for the proposed village hall within this field. This latter proposal is currently the subject of an Appeal. The applicant is agreeable to the provision of a hedge to the

rear of the proposed visibility splay by either pulling back the existing hedge or replanting with local native hedgerow species. Although the proposed visibility does not meet with the full standard required by the County Highway Authority, the latter does not object to the proposal and it will provide for an improvement to the safety of the existing access. It is considered that this should balance out the loss of the length of hedgerow to provide for the visibility splays. I do not consider that the provision of the stable building will have a particularly detrimental impact on the visual amenity or setting of the church and conservation area. A condition and advisory note are recommended to cover the concerns raised with regard to drainage.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, access, hard surfacing for first 4.5 m, gradient no more than 1 in 10, provision to prevent discharge of surface water onto highway, entrance gates to be set back 4.5 m and visibility splay. Notes re contacting Highway Service Manager, clean and surface water should be kept separate from foul drainage, foul drainage and foul surface water run off should be disposed of in such a way to prevent any discharge into any well, spring or watercourse, manure heaps not to be sited in an area where they will cause pollution water course or water source, storage and disposal of collected wastes to be undertaken in accordance with the MAFF Code of Good Practice and landscaping scheme to include native hedge to rear of visibility splay.

REASON(S) FOR RECOMMENDATION:- It is considered that the proposed development will not harm the visual amenity of the area or adversely affect the setting of the Conservation Area or listed church in accordance with Taunton Deane Local Plan Revised Deposit Policies EN5, EN13, EN15 and EN18.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

23/2004/032LB

W A & J E MCMAHON

RETENTION OF WOODEN DOUBLE GLAZED WINDOWS TO REAR OF LOCKYERS, FORE STREET, MILVERTON.

12230/25730

LISTED BUILDING CONSENT-WORKS

PROPOSAL

Retention of timber double glazed windows to rear of dwelling.

Planning application 23/2002/022LB was granted at the above dwelling for the replacement of the subject windows, subject to a condition that the windows should be a scrupulous match to the existing and requiring submission of details.

Photographs of the replacement windows were subsequently submitted in order to discharge condition 02 of 23/2002/022LB. As the windows were not an accurate match to existing (particularly as double glazed), the condition could not be discharged.

The current application, therefore seeks to regularise the unauthorised works to the listed building.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER double glazing units in listed buildings is clearly against policy (national and local), I can therefore only raise objection to application; as windows are, in general format, an improvement to those in situ when 23/2002/022LB was submitted, I would recommend that this application be refused but that no enforcement action be taken.

PARISH COUNCIL support application

POLICY CONTEXT

In the assessment of this application, the following Taunton Deane Local Plan Revised Deposit policies are relevant:- EN 17 - seeks to ensure that development proposals do not harm a listed building, its setting or any features of special or historic interest; EN18d (Alteration, conversion, extension, change of use affecting a Listed Building) - seeks to ensure that the design, materials and building methods used are sympathetic to the age, character and appearance of the building.

ASSESSMENT

The dwelling is detached built with red sandstone and fronts onto Fore Street, within the Conservation Area. The front of the dwelling has wooden sash windows and a wooden door. The rear of the dwelling has a long rear garden. The rear of the property is not visible from the roadside, but is visible from the gardens of neighbouring properties. As the windows installed do not match existing, and are double glazed, they are not sympathetic to the character of the listed building. The proposal is therefore not considered acceptable.

As the existing windows are an improvement on the windows in situ when application 23/2002/022Lb was submitted, it is considered that no enforcement action should be taken.

RECOMMENDATION

Permission be REFUSED as the windows by reason of their design, materials, and appearance would be unsympathetic and out of keeping with the character of the grade II statutory listed building of architectural and historic interest, contrary to Taunton Deane Local Plan Revised Deposit Policies EN17 and EN18, and contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

29/2004/010

MR C WRIGHT

CONVERSION OF BARNs TO FORM 4 UNITS OF ACCOMMODATION AT RULL FARM, OTTERFORD.

24031/13653

FULL PERMISSION

PROPOSAL

The proposal is for the conversion of a complex of barns to provide four dwellings. The barns are traditional stone barns and the proposal utilises all the existing openings with only one new window in the walls and 5 velux windows. The scheme would relocate the existing access moving it to a position where the lane is straighter to improve visibility and provide a domestic setting for the barns separate from the car parking provision.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY raise objection in principal and consider that there is a serious highway concern because the access road to the site is a single track with limited passing places. The junction of the access highway with the B3170 should be widened to 5.0 m over a length of 10 m and two passing places provided between the junction and the site. There is a sufficient verge to enable the provision of the passing places. The applicant would need to ascertain the ownership of the ditches, which may be affected by the construction of the passing places, SOMERSET WILDLIFE TRUST the mitigation recommendations should be secured through appropriate conditions. SERC there are no non-statutory or statutory sites or species recorded on the site.

LANDSCAPE OFFICER subject to a suitable landscape scheme, it should be possible to integrate the proposal into the local landscape and meet the requirements of EN10 and EN13. ENVIRONMENTAL HEALTH OFFICER no objection subject to contaminated land condition and note. WILDLIFE SPECIES OFFICER it is likely that brown-eared bats and swallows use the barns and if permission is granted suitable conditions must be applied.

PARISH COUNCIL raise no objection.

POLICY CONTEXT

The following policies are considered to be relevant:- Somerset & Exmoor National Park Joint Structure Plan Review Policy STR1 (Sustainable Development) Development in Somerset and the Exmoor National Park should:- be of high quality, good design and reflect local distinctiveness; develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; minimise the use of non renewable resources; conserve biodiversity and environmental assets, particularly nationally and

internationally designated areas; ensure access to housing, employment and services; give priority to the continued use of previously developed land and buildings; enable access for people with disabilities. Policy 49 (Transport Requirements) Proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should:- provide access for pedestrians, people with disabilities, cyclists and public transport; provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and, in the case of development which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements.

Taunton Deane Local Plan Revised Deposit Policies S1 Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Plan policies which apply in a particular case:- (A) additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact; (B) the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car; (C) the proposal will not lead to harm to protected wildlife species or their habitats; (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development; (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment; (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use; (G) the safety of any occupants or users will not be at risk from ground instability; and (H) the site will be served by utility services necessary for the development proposed. H9 Outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless; (A) the building proposed to be converted is of permanent and substantial construction and: (1) is in keeping with its surroundings; (2) has a size and structure suitable for conversion without major rebuilding or significant extension and alteration; (3) is unlikely to attract a suitable business re-use; and (4) is sited near a public road with convenient access by foot, cycle or public transport to a settlement; (B) and the proposal: (1) will not harm the architectural or historic qualities of the building; (2) does not involve the creation of a residential curtilage which would harm the rural character of the area; and (3) will not lead to a dispersal of activity on such a scale as to prejudice town and village vitality. EN4a Development which would harm protected species will not be permitted unless:- (A) conditions and/or planning obligations would prevent such harm; (B) other material factors are sufficient to override the importance of the species, and (C) every possible effort is made to minimise ill effects on wildlife.

ASSESSMENT

The stone barns have a traditional character with a positive contribution to the area. The proposed scheme utilises the existing structure to provide four, 2 bed roomed dwellings. The residential curtilages are formed by the removal of existing farm buildings and reuse of the land. The site is accessed via marrow country lanes. The agent has relocated the access to improve visibility but does not agree to the provision of passing spaces on land the applicant does not own. In the circumstances I do not consider it reasonable to insist upon the provision of passing spaces in this quiet rural location and I consider the proposal acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit; materials; timber windows recessed, details of the roof lights, schedule of works, hard and soft landscaping, contaminated land, parking, details of drainage, conversion works between October and March only, submission of details of alternative habitats for bats and swallow, walls and fences, removal PD rights for buildings, windows, extensions, walls and fences. Notes re conversion only, protected species, disabled persons, energy conservation, secure by design, meter boxes and contaminated land.

REASON(S) FOR RECOMMENDATION:- The proposed barn conversions is considered to be in accordance with Taunton Deane Local Plan Revised Deposit Policy H9.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

34/2004/045

T E & G E GIBBS

**ERECTION OF VERANDA WITH FRENCH WINDOW ACCESS FROM FIRST FLOOR,
TEGOR, MANOR ROAD, STAPLEGROVE.**

21460/26490

FULL PERMISSION

PROPOSAL

The proposal provides for the erection of a veranda with French window with access from the first floor onto a balcony area with railings. Materials on the supporting columns are to be brick to match the existing dwelling. The property is a fairly recently built (2002/3) dormer bungalow. The existing dormer on the rear of the property is 12.8 m in width and the proposed dormer extends across the whole of this and projects by 1.58 m. The rear of the property faces out over a paddock area within the applicant's ownership. The proposed balcony will be approximately 11 m to the boundary with the property to the east with substantial screening and approximately 13 m to the boundary with the property to the west at a 45 degree reverse angle.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL was against the granting of the original permission for the site and was disappointed when approval was given for the bungalow. This was because of the detrimental effect of a building intruding into the view of the village and the green wedge area seen when approaching from the south, along the Deane Way long distance footpath. The Parish Council was further dismayed when the bungalow turned into a two storey building. The latest proposals to construct a 42 ft long decking area at first floor level would significantly worsen this intrusion overlooking the green wedge area which is seen as such a vital element in maintaining the separate character of the village. The proposed veranda will enlarge the building and the extra area is not shown on the ground floor plan. The Parish Council is against the expansion and further development of the site and opposes the approval of this application.

TWO LETTERS OF OBJECTION takes the bungalow further into the realm of a substantial house, contrary to the planning permission for a bungalow and then a dormer bungalow; totally out of keeping with the area; will overlook nearby properties; existing dwelling does not come under the category of a chalet bungalow; property is quite out of keeping with the surrounding properties and is conspicuous from the public footpath leading from the village hall to the village; proposal will make the building even more conspicuous and out of keeping in this rural area.

POLICY CONTEXT

Policy WD/HO/10 of the West Deane Local Plan states that extensions to dwellings will normally only be permitted where they (i) do not harm the appearance of the street

scene, the landscape setting of the area or the character of the existing property and surroundings by their size, form or materials or their relationship with existing buildings and associated spaces; (ii) they respect the amenities of adjacent dwellings in terms of privacy and enjoyment of house and garden; and (iii) they do not unacceptably prejudice the future amenities, parking, turning space and other services of the dwelling to be extended. I consider that the proposal meets with these criteria.

Policy H19 of the Taunton Deane Local Plan states that extensions to dwellings will be permitted provided they do not harm (a) the residential amenity of other dwellings; (b) the future amenities, parking, turning space and other services of the dwelling to be extended; and (c) the form and character of the dwelling and are subservient to it in scale and design. I consider that the proposal meets with these criteria.

ASSESSMENT

The proposed veranda with balcony above is to the rear of the property with adequate distances to the boundaries to the properties to the sides of the dwelling such that it is not considered that there will be any unacceptable overlooking problems from persons stood or sat on the balcony area. I do not consider that the proposed works would have any adverse impact on the character and appearance of the dwelling when viewed from public vantage points in the area.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit and materials.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H19.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

38/2004/424

WESTROCK

ERECTION OF BUILDING COMPRISING THIRTEEN FLATS ON LAND ADJACENT TO WESSEX LODGE, 11/13 BILLET STREET, TAUNTON.

22965/24358

FULL PERMISSION

PROPOSAL

The application site lies immediately to the north of Wessex Lodge, a Grade II listed Victorian building which stands on the corner of Billetfield and Billet Street. The site is currently used for car parking. The frontage to Billet Street is currently by a brick wall. The existing access is located at the northern end of the site.

The proposed building provides a mix of three and four storey accommodation comprising thirteen flats. The submitted design statement suggests that the building "takes on proportions and details from Wessex Lodge, but with a modern twist". Two parking spaces are shown at the southern end of the site adjacent to Wessex Lodge.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the turning space shown on the submitted plan is of insufficient size to enable a vehicle to turn before entering the highway in forward gear. The visibility at the proposed access is substandard. I would recommend that this application be refused on highway grounds for the following reasons:- 1. The proposed access to the development does not incorporate the necessary visibility splays, which are essential in the interests of highway safety. 2. The site cannot accommodate adequate turning facilities to enable a vehicle to enter and leave the highway in forward gear, which is essential to highway safety. COUNTY ARCHAEOLOGIST The site lies within an Area of High Archaeological Potential as defined by the Local Plan (Policy EN24). It is within the medieval town and is very close to the town ditch. It is very likely that medieval remains relating to past use of the site are present. However, at present insufficient information is contained in the application to assess the impact on the remains. For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation. I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it. Subsequent comments:- Could you place the following condition on this planning permission:- "No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work involving a full evaluation and subsequent further stages of work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.", as you can see it means that the applicant has to carry out an evaluation followed by any further work required. WESSEX WATER The development is located within a foul sewer area. It will be

necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage. The developer has proposed to dispose of surface water to existing mains. As there are no existing public/separate surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways). Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure. According to our records, there is a public foul water sewer crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site. POLICE ARCHITECTURAL LIAISON I would recommend that the rear of the building should be fenced and/or gated to prevent unauthorised access around the whole building.

CONSERVATION OFFICER 1. From the file, I assume the only plan formally submitted for consideration at this time, is 097-020. If this is the case, we clearly need a block plan, showing the proposed footprint of the building in relation to the site, so we can assess the assertion that "the building has been located away from all boundary walls in order that the building can breathe". 2. Whilst a Design Statement has been submitted and I agree that Wessex Lodge is "the foremost architectural feature in the area", this should not be the only driving force in the design. Indeed, the design of any proposal here could reasonably be expected to acknowledge/reflect the late C19 buildings which comprise the immediate setting of Wessex Lodge i.e. those in Billet Street and Billetfield. 3. Mindful of comments at 2 above, I consider the proposed design to be unsatisfactory for a number of reasons:- (a) in order to maximise the number of units, the proposed building does not incorporate any ancillary elements but rather presents a similar mass/scale on all elevations. (b) again in order to maximise the number of units, accommodation in the roof is provided, which results in a non-traditional roofscape and prominent rooflights. (c) whilst the turret feature is reflective of Wessex Lodge and a feature such as this is not to be discouraged, it does not have the presence of the former, due to roofscape observations at (b) and an over-wide, competitive gable feature on elevation D. In addition, due to the transition between "turret" and adjoining elevations, the former appears as an after thought, rather than an integral element. (d) elevations D and C are generally bland and elevations B is very disappointing in this respect, with flat roofed dormers being wholly inappropriate. Whilst I understand the applicants concentration on the Billet Street elevation, a good building stands up to scrutiny in the round and this proposal sadly does not. Summary:- The proposal in my opinion, is lacking on a number of counts with regard to design and the setting of Wessex Lodge, such as to outweigh the approach advocated by PPG3 and the

development plan. ENVIRONMENTAL HEALTH OFFICER suggests noise control condition. LEISURE DEVELOPMENT OFFICER this development should make a contribution of £806.00 per each 1 bed dwelling for sport plus a contribution of £2,056.00 per each dwelling consisting of 2 or more bedrooms for play and sport. This to be spent on improving the provision of recreation in the local area.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 states:-
TProposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should: provide access for pedestrians, people with disabilities, cyclists and public transport; provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and, in the case of development which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements.

Taunton Deane Local Plan Revised Deposit Draft. The following policies are relevant:-
Policy S1 Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Plan policies which apply in a particular case: (A) additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact.

Policy S2 Development must be of a good design. Its scale, density, height, massing, layout, landscaping, colour, materials and access arrangements will be assessed to ensure that the proposal will, where reasonable and feasible: (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved; (B) incorporate existing site features of environmental importance.

Policy H1 Housing development will be permitted within defined limits of settlements, provided that:- (G) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity; (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings.

Policy EN17 Development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses, will not be permitted.

ASSESSMENT

The determining factors in this case appear to be firstly the impact of the proposal upon highway safety and secondly the form, bulk and design of the building as it relates both to Wessex Lodge and the Billet Street frontage. The site lies with Taunton town centre where a car free development may be considered acceptable. However, two parking spaces are proposed. It is therefore essential that adequate turning space is provided and that visibility is also provided for vehicles exiting the site. As advised by the Highway Authority, the turning space shown is insufficient and visibility substandard.

The second issue relates to the concerns raised by the Conservation Officer. Whilst the building is not as tall as Wessex Lodge, it is of a scale and proximity that competes and therefore detracts from its setting. The design presents a similar mass/scale on all elevations with little interest in any elevations other than that fronting Billet Street, and incorporates an inappropriate roof scape which does not sit easily with the proposed turret.

RECOMMENDATION

Permission be REFUSE for reasons of lack of necessary visibility splays, inadequate turning facilities and that the building by reason of its form, bulk and designs will be an overdominant feature in the street scene detracting from Wessex Lodge.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356464 MR T BURTON

NOTES:

38/2004/478

MR C GUNN

ERECTION OF CONSERVATORY AT 81 TRINITY ROAD, TAUNTON.

23640/24427

FULL PERMISSION

PROPOSAL

Consent is sought to erect a upvc conservatory at the rear of the property measuring 4.7 m x 3.5 m. The existing dwelling is a semi-detached property constructed of brick under a tiled roof. Materials used in the construction of the conservatory will match the existing property. A 2 m high fence and the wall of an adjoining garage enclose the garden.

The Applicant is a member of staff

CONSULTATIONS AND REPRESENTATIONS

None received.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy H19 extensions to dwellings states:- Extensions to dwellings will be permitted provided they do not harm:- (a) The residential amenity of other dwellings;(b) The future amenities, parking turning space and other services of the dwelling to be extended; and (c) The form and character of the dwelling and are subservient to it in scale and design.

ASSESSMENT

The proposed conservatory will have no material impact on neighbours and complies with policy H19.

RECOMMENDATION

Permission be GRANTED subject to condition of time limit and materials.

REASON(S) FOR RECOMMENDATION:- The proposed extension complies with Taunton Deane Local Plan Revised Deposit Policy H19 in that there is no harm to the residential amenity or other dwellings and no harm to the form and character of the dwelling.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356462 MRS S MELHUISE

NOTES:

43/2004/107

MR B GILLESPIE

CHANGE OF USE OF DWELLING WITH BED AND BREAKFAST AND ANCILLARY HOLIDAY LET TO ADULT CARE HOME, EXTENSIONS TO DWELLING AND USE OF OUTBUILDINGS AS ANCILLARY TO CARE HOME, THE WHEELHOUSE, LINDEN, WESTFORD, WELLINGTON.

12559/20924

FULL PERMISSION

PROPOSAL

Change of use of dwelling and outbuildings to adult care home. The dwelling will accommodate 10 autistic adults between the ages of 18 - 65. The single storey extension measures 3.7 m x 6.5 m x 4 m to the ridge of the existing building. A conservatory will be added to this extension. The site contains a number of outbuildings; an old chicken shed, a shed/garage, and a mobile home. The old chicken shed will be demolished to allow for additional car parking; the shed/garage will be used as a workshop; and the mobile home will be used as a staff office/ accommodation to the main house.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection. SOCIAL SERVICES views awaited. WESSEX WATER no objection, proposal not located within a Wessex Water sewered area; Council should be satisfied with any arrangement for the disposal of foul and surface water flows; recommended that the developer should agree with Wessex Water prior to the commencement of any works on site.

LANDSCAPE OFFICER Sycamore tree next to old chicken shed has some amenity value, not sufficient to warrant protection; car parking area should be at least 5m from trunk of tree to avoid significant root damage; trees along Northern boundary wall would soften impact of any existing housing. DRAINAGE OFFICER soakaways should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of approval.

TOWN COUNCIL in favour providing there are no adverse comments/objections from neighbours. Further email received confirming that as objections have been received to this application, the Town Council is not in favour of the proposal.

FOUR LETTERS OF OBJECTION raising the following:- dwelling though used at times as small scale bed and breakfast, has not altered character as a rural family house; proposal would make area primarily a business district not a quiet rural residential area; unaware that site had ever been used for bed and breakfast; current figures for car traffic do not represent existing use; not aware of any regular deliveries; not clear whether extra provision for refuse collection is required; no details of use of workshop; frequent accidents in lane leading to access of the site, as access and access road are narrow, have no pavements, no street lighting; proposal will exacerbate issues due to

increased traffic; access from Linden Drive near to Wellington basins popular for people walking, where conservation work has taken place, for environmental and safety reasons encouragement should not be given to increased traffic; water and sewerage structure already overstretched, heavy demand means low water pressure; sewerage is problematic with blockages due to excessive overload, concern that system will not cope with increased demand; dispute that applicants does not have right of way to corams lane, where it is indicated that staff may use this route.

LETTER FROM APPLICANTS SOLICITOR confirming that the Wheelhouse has a full and free right of way at all times with or without vehicles or animals over the entire length of the track over Linden Hill and Corams Lane for all purposes.

LETTER FROM APPLICANT confirming traffic figures hypothetical, calculated with guidance from highway authority based on present use of caravan, bed and breakfast, existing family, and deliveries, visitors etc; traffic will be generated at times of low traffic count (0700 in the morning and 1000 at night), there will be a shift overlap at 1300 and 1500 involving 2 - 3 cars; as prospective owners of the Wheelhouse we are willing to alleviate any valid concerns; some objections based on long standing disorders in the water and sewerage systems, the latter should be investigated and shared out fairly by the relevant parties; number of objections based on ignorance and misinformation regarding our aim and type of people in our charge; proposal will add substantially to employment of people; will give people opportunity of living in beautiful semi rural property; close to Wellington Sports centre, so residents could become members; access to Wellington will be safe for residents as they can use Corams Lane; residents not violent people, only danger to themselves and that is why they are continually under a carer.

POLICY CONTEXT

Policy S1 (general requirements) and S2 (design) of the Taunton Deane Local Plan Revised Deposit are relevant to this application. Policy S1 seeks to ensure that the proposal will not harm: wildlife habitats; appearance and character of a building, settlement or landscape; additional road traffic will not lead to road safety. Policy S2 seeks to reinforce the character of a building, settlement, and landscape.

ASSESSMENT

The site is situated next to a residential property within a rural setting. The small extensions proposed, with the demolition of the old chicken shed, are considered not to impact on this setting. Due to the dependance of care required, the location for this home is considered acceptable.

Concerns raised regarding water and sewerage will be made a condition of this proposal, though no concerns have been raised from Wessex Water or the Local Authority drainage officer. The applicant has indicated that the site has a right of way from a different access; this will reduce the amount traffic entering from Linden Hill. The County Highway Authority has raised no objection to the proposed use of the site, and is aware that the traffic generation figures provided are hypothetical, based on the existing use. The use of the site may not have required planning permission for use as bed and breakfast, as this is dependent on the degree of use. The proposal is

considered not to harm the character and appearance of the area; nor harm the residential amenity of the area, and is therefore considered acceptable.

RECOMMENDATION

Subject to the views of the Social Services the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to time limit, materials, landscaping, sewerage and water details, car parking details, protection of tree, mobile home to be restricted to care workers. Notes re compliance, building over sewer, details of soakaways.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to adversely harm the visual or residential amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1 and S2.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

43/2004/116

TAUNTON DEANE BOROUGH COUNCIL

ERECTION OF PUBLIC TOILET BLOCK TO REPLACE EXISTING, ADJOINING NORTH STREET CAR PARK, WELLINGTON.

13725/20576

FULL PERMISSION

PROPOSAL

Proposal is to replace an existing flat roof building with a new toilet block and associated landscaping. New block, including canopy, measures 6 m x 10.5 m x 4.5 m to the highest point. Materials to be brick and clay tiles.

Proposal was recently granted permission by the Committee on 29th September, 2004, subject to the views of the Police Architectural Liaison Officer. These views have been received raising an objection to the application, so the proposal has returned before the Committee.

CONSULTATIONS AND REPRESENTATIONS

WESSEX WATER no objection, developer should agree points of connection at the detailed design stage. POLICE LIAISON OFFICER object to application - covered area is likely to provide a sheltered gathering area for young people with the likely outcome of anti-social, or criminal behaviour; patrol officer at Wellington station has informed of serious problems with young people gathering in the football stands, adjacent to the car park, this was only stopped when the football stand was shuttered to prevent unauthorised access; group of people gathering would be intimidating to users of car park; limited natural surveillance during the evening and nighttimes; issue of lighting, for reasons of personal safety and security, could be addressed by the installation of bulkhead type fitment down-lighters.

WELLINGTON TOWN COUNCIL objects to the inclusion of the canopy in the design as it feels the canopy will lead to youths collecting and anti social behaviour problems.

LANDSCAPE OFFICER the trees to the rear of the existing toilet block are likely to have roots growing close to and under the existing footings and therefore the new building could destabilise the trees unless tree management works are undertaken to reduce the impact of the building works. Recommend that the park's tree officer undertake a health check on the trees and propose remedial tree works. The trees should be protected during construction works. Details of landscape proposals should be submitted.

The following further justification for the canopy has been submitted by the applicant:-
(1) The facility is being provided for general public use and also for spectators of football matches who use the toilets on match days, In the latter case it is anticipated that queuing will occur. (2) In the winter months when it will be dark for some of the opening hours, or in periods of bad weather at any time of year, the canopy will provide protection for users particularly those queuing. (3) As the doors of the cubicles open

outwards the canopy provides protection to the cubicles in wet weather conditions. (4) The canopy will allow for a much more efficient lighting scheme. It is intended that the whole of the canopy area will be illuminated. This will contribute to safety of users, particularly the disabled as they operate the key lock and open the door to the designated wc. (5) A well lit area will make users and loiterers visible to passers-by. In conclusion they consider that the canopy provides health and safety benefits for users which outweigh the possible risk of increased anti-social behaviour.

POLICY CONTEXT

Policy S1 (general requirements) and policy S2 (design) of the Taunton Deane Local Plan Revised Deposit are relevant to this application. The proposal is considered not to harm the appearance and character of the area.

ASSESSMENT

Proposal is on the site of the existing toilet block within the North Street car park, backing onto the football ground. As the design of the toilet block has changed to provide individual cubicles, the canopy would provide shelter for anyone who has to wait to use the facilities. The proposal is considered not to harm the visual or residential amenity of the area, and is considered to be an improvement on the existing flat roof building. The canopy is considered to provide benefits to the public using the facilities. Proposal is therefore considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials to be submitted, landscaping, details of hard landscaping. Notes re compliance, connection to Wessex water.

REASON(S) FOR RECOMMENDATION: The proposal is considered not to harm the visual amenity of the area and is in accordance with Taunton Deane Local Plan Revised Deposit Policies S1 and S2.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

46/2004/034

MISS J DICKINSON

**ERECTION OF SINGLE STOREY REAR EXTENSION AT 3 THE MALTINGS, HAM
AS AMENDED BY DRAWING NO. 1262/04/1 ISS 2 RECEIVED 20TH OCTOBER,
2004**

15681/21720

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a single storey extension to this converted former agricultural building. The amended design incorporates a pitched roof gable extension that measures 3.5 m x 5 m and 3.4 m to the ridge.

The applicant is a member of staff.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL no objections.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H19 seek, inter alia, to safeguard visual and residential amenity.

ASSESSMENT

The revised extension is simple in construction and design compared to the originally submitted low, mono-pitched roof. The pitched gable extension is considered to be of a more traditional form than the mono-pitched proposal and therefore the revised design is considered acceptable. There are no surrounding views into the rear of the property and as the design is considered acceptable the visual amenity of the area will not be detrimentally affected.

The north east elevation of the extension is positioned 2.5 m from the neighbouring boundary, which is screened by a 2 m boundary fence that due to higher adjacent land levels, will screen the extension up to eave height. The proposal would therefore not result in overlooking, nor cause a loss of light to the neighbouring property. The proposal would therefore not cause a detrimental loss of residential amenity.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit and materials.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect residential or visual amenity and accordingly does not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2 or H19.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356586 MR R UPTON

NOTES:

47/2004/009

MR GRAHAM WINTER

CHANGE OF USE OF CARE HOME, OFFICES AND TRAINING CENTRE TO PRIVATE SCHOOL, SCHOOL OFFICE AND SCHOOL RECREATION, BATH HOUSE FARM, WEST HATCH.

28807/21995

FULL PERMISSION

PROPOSAL

Bath House Farm is located to the west of the A358. Until recently the site was used as a restaurant and there was planning permission for the erection of 15 holiday units in the grounds. In June 2004 planning permission was granted for the change of use of the premises to office use. This proposal is for the change of use from offices to a private school. Bath House Farm is located off the A358, in the open countryside. It is adjacent to Nightingale Farm and the Scout Centre at Huish Woods. There would be no alterations to the external appearance of the buildings and the existing access and car parking facilities would be used. The school would generate up to 30 car movements in the morning and 30 car movements in the afternoon.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections.

DRAINAGE OFFICER no observations. RIGHTS OF WAY OFFICER a footpath crosses the field to the south of the Farmhouse and buildings.

PARISH COUNCIL consider the site unsuitable for a school for the following reasons:- the property is sited next to a busy main road; 30-50 vehicles a day would access the site off a dangerous, accident prone, junction off the A358; the perimeter fences are not secure; the A358 may be duelled in the future.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Development in Somerset and the Exmoor National Park should:- be of high quality, good design and reflect local distinctiveness; develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; minimise the use of non renewable resources; conserve biodiversity and environmental assets, particularly nationally and internationally designated areas; ensure access to housing, employment and services; give priority to the continued use of previously developed land and buildings; enable access for people with disabilities. STR6 Development outside Towns, Rural Centres and Villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. Policy 49 Proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for

improvements to infrastructure to enable development to proceed. In particular development should:- provide access for pedestrians, people with disabilities, cyclists and public transport; provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and, in the case of development which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements.

Taunton Deane Local Plan Revised Deposit Policies S1 Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Plan policies which apply in a particular case:- (A) additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact; (B) the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car; (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development; (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment; (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use; and (H) the site will be served by utility services necessary for the development proposed.

ASSESSMENT

The application is for a private school that would provide education for young people with challenging behaviour. The pupils would come from a wide geographical area and are already taken to and from school by car. In this case a location within Taunton would not necessarily lead to fewer car trips. A letter from the school has confirmed that the school has looked at other sites but these have been unacceptable for various planning reasons. The applicants consider that the Bath House Farm site offers the following: - a range of accommodation for a variety of education purposes and is of a high standard that would allow scope to enlarge the curriculum that can be offered; there is a small building that can be adapted to provide workshop facilities; the adjacent fields will allow outdoor activities including management of the land, agriculture, and rearing a small number of animals which is proven to help reluctant learners; there is a safe and enclosed car park well away from the main road. The site is located in the open countryside where development is strictly controlled. Whilst this site is within a non-sustainable location and only accessible by private car, it has contained a variety of commercial (restaurant/holiday accommodation & office) uses with the potential to generate significant traffic movements and the County Highway Authority do not object to the proposal on highway safety grounds. In terms of policy S1, the current proposal would provide an alternative use that would not materially affect the character of the area and would be unlikely to cause unacceptable nuisance to neighbours. Proposal considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of school use only and removal PD rights for buildings. Note re public footpath that crosses the site.

REASON(S) FOR THE RECOMMENDATION:- The impact of the proposed use is considered to be in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 and Taunton Deane Local Plan Revised Deposit Policy S1.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

PLANNING COMMITTEE – 3 NOVEMBER, 2004

Report of the Development Control Manager

MISCELLANEOUS ITEM

Planning (Listed Buildings and Conservation Areas) Act 1990 **Church of St Luke, Cotford St Luke, Bishops Lydeard Civil Parish (CP)**

1.0 Purpose of Report

- 1.1 To seek Committee approval for officers to issue an Urgent Works Notice in respect of the Church of St Luke, Cotford St Luke, Bishops Lydeard CP.

2.0 Background

- 2.1 Following a request for a Certificate of Immunity from Listing (on the former Tone Vale Hospital site and its environs), in 1994, the Church of St Luke and Burge Farmhouse, were added to the Statutory List of Buildings of Special Architectural or Historic Interest on 20 February, 1995, Grade II.

- 2.2 Since listing, the future use of the Church has been the subject of discussion, which has resulted in the following applications being positively determined:-

- (a) 06/2001/059 and 06/2001/006LB Conversion of Chapel to two dwellings.
- (b) 06/2002/035 and 06/2002/036LB Conversion of Chapel to public house, function room, shop and two flats.

- 2.3 The condition of the building has and is, giving rise for concern, due to water damage, as a result of invasive plant growth, blocked gutters etc.

- 2.4 The owner and his solicitor have been informally approached, with a view to securing the works necessary to arrest further deterioration of the building but without success.

3.0 Legislation

- 3.1 Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990, enables Local Planning Authorities to execute works which appear to them to be urgently necessary for the preservation of a listed building in their area.

- 3.2 Before a Local Planning Authority can execute the works, it must serve a notice (Urgent Works Notice), on the owner, specifying the works deemed necessary to preserve the building and giving at least 7 days notice of its intention to carry out the said works.

3.3 Section 55 of the Act, enables the expenses incurred by a Local Planning Authority, in carrying out the specified works, to be recovered and if this is not forthcoming, a charge on the land to be registered. In addition, the owner can challenge the required works and the costs involved.

4.0 **Conclusions**

4.1 The Church of St Luke is a Statutory Listed Building, whose future use, is as yet to be assured. In the meantime, lack of routine maintenance and essential ventilation, is clearly imposing damage to the fabric of the building and adding inherent cost to any viable future use.

4.2 Whilst efforts have been made to effect required repairs by way of informal approaches to the owner, such has not resulted in any action to resolve the problems.

4.3 With the on-coming anticipated persistent inclement weather, further delay in securing urgent repairs, to arrest further deterioration of this Grade II Listed Building, is deemed unacceptable.

5.0 **Recommendations**

5.1 Officers be given authority to serve an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of the Church of St Luke, Cotford St Luke, Bishops Lydeard CP

5.2 In the event that the works specified by the Urgent Works Notice have to be carried out by the Council, Officers are given authority to recover the costs involved.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Diane Hartnell, Tel: 356492

PLANNING COMMITTEE - 3 NOVEMBER, 2004

Report Of The Development Control Manager

MISCELLANEOUS ITEM

43/2003/029 - ERECTION OF SALES AND STORAGE WAREHOUSE WITH FIRST FLOOR OFFICES, STORAGE YARD, ACCESS, LANDSCAPING AND EXTERNAL LIGHTING, FORMER LINCOTT NURSERY, BAGLEY GREEN, WELLINGTON

The above planning permission was granted under delegated powers in consultation with the Chair in May 2003. The proposed colour scheme for the building was approved under delegated powers in consultation with the Chair in September 2003.

A request for a change to the previously approved colour scheme for the building has been received, amending the use of aztec yellow to poppy red. The background to this is that the original applicants have been bought out by another builders merchants. To integrate these new premises within their growing national chain and to maintain the chain standards and corporate image that has been successfully established elsewhere.

Wellington Town Council would like a darker red used. Wellington Without Parish Council (the neighbouring parish) has also written in expressing concern about the use of the previously approved yellow on the building and requesting that every effort is made to tone down the new colour of red to reduce its visibility.

Four letters of representation have been received objecting to the use of red colour on the building. It is considered that it would be a terrible eyesore and totally out of keeping with the other industrial units in this area, all of which are muted greens and greys, and the adjoining residential properties. Irrespective of corporate colours, they feel that primary colours are far too garish for the area. They consider that the whole building is a blot on the landscape on the boundary of the rural area. They question why the whole building has to look like Legoland. If it has to be red, it is considered that the shade should be toned down to a burgundy red.

The applicants have indicated that due to commercial need to establish a national corporate image, they are unable to agree to the Town Council's suggestion of a darker shade of red. They therefore wish to incorporate their corporate colour, a poppy red, into the externals of the building, but are prepared to accept some limitation of the extent. It is now proposed that the previously agreed Aztec yellow to the first floor clerestory strip be changed to albatross grey. The first floor window frames, the roof gutter and downpipes and the pedestrian ground floor doors being the only elements that are changed, from solent blue, to the poppy red. The overhead doors remain as before as albatross.

I consider this proposed change to be acceptable and recommend accordingly.

RECOMMENDATION

The proposed changes to the colour scheme for the building as set out above be APPROVED as a minor amendment.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

PLANNING COMMITTEE – 3 NOVEMBER, 2004

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Taunton

1. **File/Complaint Number** E139/38/2004 – 38/2004/357A
2. **Location of Site** Somerset County Cricket Club, St James Street, TAUNTON
3. **Names of Owners** Mr Peter Anderson
4. **Names of Occupiers** Somerset County Cricket Club

5. **Nature of Contravention**

Display of large sign on side of pavilion.

6. **Planning History**

A complaint was received on 7 May, 2004 that a large sign was displayed on the side elevation of the Colin Atkinson Pavilion facing Priory Bridge Road. An advertisement application to retain the sign was finally submitted on 28 July, 2004. The application was subsequently refused under delegated powers on 8 September, 2004.

7. **Reasons for taking Action**

The advertisement, by reason of its size and siting, appears as an intrusive element in the street scene, which is detrimental to the character and visual amenities of the area. The proposal is considered contrary to Taunton Deane Local plan Revised Deposit Policy EC21. Whilst consent is not required for advertisements within sports grounds where they are only visible from inside the ground, this sign is not visible from much of the cricket ground, but is particularly prominent when viewed from Priory Bridge.

8. **Recommendation**

The Solicitor to the Council be authorised to commence prosecution action to secure the removal of the sign.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

PLANNING COMMITTEE - 3 NOVEMBER, 2004

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Taunton

1. **File/Complaint Number** E362/38/2004
2. **Location of Site** 72A Bacon Drive, Taunton.
3. **Names of Owners** Housing Department, Taunton Deane Borough Council
4. **Names of Occupiers** Mr S Farmer

5. **Nature of Contravention**
Provision of a satellite dish

6. **Planning History**

A site visit was made to the above address regarding an application received in July 2004 requesting the erection of a satellite dish. The reason for this application is because there is already a satellite dish on this block of flats and any subsequent dishes require permission. Numerous letters have been sent to the owner for additional information, however to date nothing has been received. It is understood that the tenant is in hospital and therefore it may be some time if at all we obtain the information required to register the application.

7. **Recommendation**

It is the opinion of the Planning Officer that should a completed application be submitted the recommendation would be one of approval therefore, no further action be taken on this occasion.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

PLANNING COMMITTEE – 3 NOVEMBER, 2004

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Burrowbridge

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|----|------------------------------|---|
| 1. | File/Complaint Number | E315/51/2004 – 51/2004/004 |
| 2. | Location of Site | Willowfields, Stathe Road, Burrowbridge |
| 3. | Names of Owners | Gillards Farm Ltd |
| 4. | Names of Occupiers | NVA Group |

5. **Nature of Contravention**

Formation of track

6. **Planning History**

Planning permission was granted for a change of use of the agricultural building known as Willowfields to commercial storage (B8) in July 2004. The permission is a personal permission for the benefit of Kingsmoor Packaging Ltd. and the NVA Group. A complaint was received on 13 September, 2004 that a track had been created linking the above unit with Cross Road Farm, which is adjacent to the site. These premises are already in commercial use and occupied by the NVA Group. A site visit was made and it was seen that the access track runs from the car parking area of Cross Road Farm to the side access at Willowfields.

A section of the boundary fence of Cross Road Farm has also been removed to allow access. The complainant has witnessed vehicles using the track from one property to the other.

7. **Reasons for taking Action**

It is considered that the formation of this access track may encourage the coagulation of the two units thus any future development between the units would be difficult to resist. By physically linking the units by way of the track would lead to an intensification of commercial use in the open countryside therefore contrary to the Taunton Deane Local Plan Revised Deposit Policy S1 (D).

8. **Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice and commence prosecution proceedings subject to satisfactory evidence should the notice not be complied with.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr J A W Hardy Tel: 356479